

MILWAUKEE, WISC.
JOURNAL

E - 359,036

S - 537,875

OCT 3 1972

STATINTL

CIA Reporting Urged

Journal Washington Bureau
Washington; D. C. - Legislation that would require the Central Intelligence Agency (CIA) and other government intelligence operations to report to congressional committees was recommended last week by a House foreign affairs subcommittee.

The recommendation, intended to help Congress reaffirm its role in developing American foreign policy, was among several that stemmed from a series of hearings and symposiums held last summer by the subcommittee on national security policy and scientific developments. Rep. Clement J. Zablocki (D-Wis.) is the subcommittee chairman.

The subcommittee's report stated that an imbalance existed between the executive branch of the government and

Congress in the formulation of foreign policy.

This imbalance, according to the subcommittee, "threatens the development of a truly successful national security policy for the United States in the seventies."

The report noted that the United States no longer possessed a national consensus on foreign policy which, it said, had always been a source of strength.

"For the Congress to reaffirm its influence in the foreign policy area and to help form public opinion on the issue would probably also go far in offsetting rising neo-isolationist feelings in the United States," the report said.

Changes in world power relationships have resulted in the development of five key centers of power — the US, the Soviet Union, China, Western

Europe and Japan, the report said.

It said this had decreased the danger of major nuclear confrontations but had not reduced the prospect for what it called "smaller scale proxy wars."

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1
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in part through Federal contracts, grants, or other funding assistance and involving a Federal lease, permit, license, certificate, or other entitlement for use; and (3) policy, regulations, and procedure making. Past, current, continuing, and proposed future actions, including but not limited to the foregoing, may seemingly be localized in their impact but potentially may significantly affect the future environment in any or all parts of the Canal Zone and areas contiguous thereto.

(d) The Governor of the Canal Zone has established an Environmental Quality Committee (EQC)² to act on environmental matters affecting the Canal Zone.

(e) The Environmental Quality Committee will be the primary reviewing body for environmental impact statements submitted by the Canal agencies. Specifically, the EQC will (1) determine whether particular proposed legislation and major agency actions require submission of detailed environmental statements; (2) provide appropriate comments or views for inclusion in any required environmental statement; (3) keep on file a copy of any environmental statements for proposed legislation or actions submitted to CEQ from the Canal agencies, as well as copies of other statements relating to the Canal Zone, when available; and (4) maintain contact through diplomatic channels with counterpart officials in the Republic of Panama to seek cooperative action on any problems having a common geographic source.

2. Canal Zone guidelines.

(a) Bureaus or independent units initiating or planning legislation or actions which they believe may significantly affect the quality of the human environment should submit six (6) copies of a résumé (format for résumé sheets is shown at Annex B)³ to the EQC. The EQC will decide whether an environmental impact statement is required and will inform the originating bureau or unit of its decision.

(b) If the EQC determines that a particular piece of proposed legislation or other action will require the submission of an environmental statement, the originating bureau or unit will prepare a draft statement in the format set out in Annex C.⁴ Eleven (11) copies of this draft statement together with a summary sheet (the format for which is also set out in Annex C) and a letter of transmittal to the CEQ⁵ for signature by the Governor/President will be sent to the EQC through the Chief, Executive Planning Staff. If the proposal is one which requires (as will normally be the case) the comments of the Environmental Protection Agency (EPA)⁶ or if the comments of other Federal agencies are desired, appropriate cover letters for signature by the Governor/President also will be submitted.

(c) When comments from the EPA (where required) and other agencies are received, the originating bureau or unit will prepare a final environmental statement, using the same format as for draft statements revising the text thereof, where appropriate, to incorporate the views of commenting agencies. The final statement, together with copies of all comments received, will be forwarded in the same manner as that provided above for draft statements.

(d) In determining at what stage of the planning process the EQC is to be first advised of proposed actions or legislation which may significantly affect the quality of the human environment, the originating bureau or independent unit will take into consideration the following lead times:

(1) Review of draft environmental statements by the EQC will require at least 15 days. This review may result in a recommendation that further study of the proposal is required at the bureau or unit level.

(II) Draft environmental statements must be furnished to CEQ no later than 90 days before any administrative action by the Canal agencies is taken with regard to the proposal.

(III) Environmental statements which require comment from EPA will be held by that agency up to 45 days. Comments from other agencies can be expected to take a like time.

(IV) Final environmental statements must be furnished to CEQ no later than 30 days before any administrative action is taken by the Canal agencies with regard to the proposal.

3. Comments of other agencies.

(a) As indicated above, certain draft environmental statements must be sent to EPA for comment. Areas in which EPA comments are required are air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.⁷

(b) Federal agencies with special expertise to comment on various types of environmental impacts are listed in the CEQ Guidelines.

(c) Local Federal sources of expertise in environmental matters are listed in Annex D⁸ of this memorandum.

4. Summary of agency actions affecting environment.

(a) In addition to the requirement for detailed environmental impact statements, discussed above, the Office of Management and Budget (OMB) has announced that agency annual budget estimates shall be accompanied by a summary list of those specific actions which, in accordance with agency procedures, require the preparation of such environmental impact statements. (OMB Bulletin No. 72-6, dated September 14, 1971, is attached as Annex E).⁹

(b) Bureau directors and heads of independent units will thus include such a summary statement with their inputs to the annual budget estimate. It should be noted, however, that only those items which the EQC has determined will require detailed environmental statements should be included in the summary. The form which the summaries are to follow is set out in Exhibit 1 of Annex E.

CENTRAL INTELLIGENCE AGENCY

[Instruction No. LI 45-16]

SEPTEMBER 10, 1972.

PROCEDURES FOR IMPLEMENTING SECTION 102 (2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT

1. Purpose. This logistics instruction prescribes procedures for implementing section 102(2)(C) of the National Environmental

¹"Canal agencies" means the Panama Canal Company/Canal Zone Government.

²The EQC is composed of: Lt. Governor (Chairman); Chief, Executive Planning Staff; Engineering and Construction Director; Health Director; and General Counsel.

³Address: General Counsel, Executive Office of the President, Council on Environmental Quality, 722 Jackson Place NW, Washington, DC 20006.

⁴Address: Mr. Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW, Washington, DC 20006.

⁵A more complete list of areas of interest to EPA is contained in Annex D. Those areas bearing an asterisk will require EPA comments.

⁶Annexes: A. CEQ Revised Guidelines, April 23, 1971, B. Format of Résumé Sheet for EQC, C. Detailed Environmental Statements, D. Local Environmental Expertise, and E. OMB Bulletin 72-6, filed as part of the original document.

Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Agency activities.

2. Background. Section 102(2)(C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decision-making along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Interim Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality (CEQ).

3. Procedures. The following procedures are established for complying with the Act:

a. Officials responsible for the environmental statements. Statements shall be prepared by the Director of Logistics, who has been designated as the responsible official referred to in section 102(2)(C) of the Act. The Chief, Real Estate and Construction Division, OL, will assist the D/L as required and provide appropriate technical competence to develop statements in a timely manner consistent with the actions identified in subparagraphs 3b, 3c, and 3d of this instruction.

b. Identifying Agency actions requiring environmental statements. Environmental statements shall be provided when it is concluded that an Agency action will have a significant (by itself or cumulative) effect on the quality of the human environment. Dollar value alone is not a sufficient indicator; a small repair and improvement project may have significant impact on the environment. Actions requiring environmental statements will include, but not be limited to:

(1) Awards of contracts or other agreements for repair, maintenance, or operation of a facility which may, through the processes involved, the residue caused or collected, and disposal thereof, adversely affect the environment.

(2) Acquisition of real property by lease, assignment, purchase, construction, or otherwise, the operation of which, by the process involved, adversely affect the environment.

(3) Actions involving the moving or displacement of people which would materially affect population density.

c. Information for environmental statements. A broad spectrum of pertinent information shall be used in the preparation of the five-point environmental statement required by section 102(2)(C) of the Act. Special attention is to be given to the pro and con presentation of alternatives that relate to the short and long term environmental decisions. As part of these information gathering efforts, approaches being used by other Federal agencies to similar environmental problems will be examined with the view of utilizing a systematic and interdisciplinary approach.

d. Content of environmental statement.

(1) The following points are to be covered:

(a) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish, and other marine life, as well as the impact on historic, archaeological, architectural, and cultural resources. Both primary and secondary significant consequences for the environment should be included in the analysis.

(b) Any probable adverse environmental impact which cannot be avoided (such as water or air pollution, damage to life sys-

tems, urban congestion, threats to health, or other consequences adverse to the environmental quality of man's habitat (see P.L. 91-190).

(e) Alternatives to the proposed action (section 102(2)(D) of the Act) require the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects.

(d) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity. This requires assessment of the action for cumulative and long term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment.

(f) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved.

(2) Each environmental statement shall be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

e. Consulting with Federal, State, and local agencies. Where appropriate, prior to completing a detailed draft of an environmental statement, adequate consultation shall be made with the regional offices of the Federal agencies and such State and local agencies as have jurisdiction by law or expertise for specific areas of environmental quality.

f. Existing projects and programs. The section 102(2)(C) procedure shall be applied to further Agency actions having significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91-190.

4. Preparation and submission of the draft text of environmental statement.

a. Ten copies of draft environmental statements shall be forwarded to the CEQ by the responsible officer simultaneously with distribution for comment to relevant State and local agencies and the public, as appropriate.

b. A minimum of 30 days is to be allowed for agency comment (45 days for Environmental Protection Agency comment), followed by preparation of a final environmental statement.

5. Preparation and submission of final text of environmental statement.

a. Any comments received from Federal, State, regional, or local officials shall be reviewed, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The environmental statement shall be revised to reflect, when appropriate, the additional data and comments obtained from those agencies. In any event, a discussion of problems and objections raised by other

Federal agencies and State and local entities in the review process, together with the report of the Office of Environmental Quality, shall be included in the final text of the environmental statement.

b. Ten copies of the final environmental statement shall be forwarded to the CEQ and other interested parties as in paragraph 4a, above.

c. To the maximum extent possible, no administrative action will be taken prior to 30 days after the final statement has been presented to the CEQ or sooner than 90 days after the submission of the draft statement as per paragraph 4a, above.

JOHN F. BLAKE,
Director of Logistics.

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
DIRECTIVES SYSTEM

[No. 17.02-2]

EDA PROGRAM IMPLEMENTING SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The attached revision to EDA environmental procedures eliminates the use of Form ED-511, "Applicant's Environmental Impact Evaluation," and provides in its stead for a preliminary environmental assessment by the economic development representative. The purpose of the new procedures is to provide for EDA consideration of the environmental impact of the project in the early stages of consideration of project applications. In this way the time element involved in assessing the potential impact and in conforming to NEPA procedures will run concurrently with regional evaluation of project applications.

The revised directive also sets out in detail the functions of the special assistant for the environment and his role under the revised procedures.

Questions on these procedures or interpretations of the guidelines should be referred to the special assistant for the environment.

This revision supersedes Order 17.02-2, dated June 1, 1971, and supplements Department Administrative Order 216-6, "Statements on Proposed Federal Actions Affecting the Environment," dated October 23, 1971.

Effective date: March 8, 1972.

See.

- 2.01 Purpose.
- 2.02 Functions of the Special Assistant for the Environment.
- 2.03 Procedures for public works and business loans project processing.
- 2.04 Procedures for technical assistance projects processing.
- 2.05 Procedures for planning activities.
- 2.06 Procedures for processing environmental impact statements received from other governmental agencies for comment.
- 2.07 Public availability of environmental impact statements developed by EDA.
- 2.08 Applicability and reporting requirements.
- 2.09 Effect on other orders.
- 2.10 Effective date.

17.02-2.01 Purpose. The National Environmental Policy Act of 1969, requires that every recommendation or report on proposals for legislation or other major Federal actions significantly affecting the quality of the human environment shall contain a detailed statement concerning the degree of environmental impact anticipated. In subsequent guidelines issued by the Council on Environmental Quality, major Federal actions are partially defined as including projects and continuing activities supported in whole or

in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance. It is clear, therefore, that most of the issues involved in the disposal of the final text of the environmental statement fall within the purview of the National Environmental Policy Act, and that specific projects funded by EDA will require some measure of environmental impact assessment. (EDA supplemental public works grants to other Federal agencies will not require statements by EDA.) The procedures outlined in this directive are intended to assure that proper assessment takes place.

17.02-2.02 Functions of the Special Assistant for the Environment. The general functions of the Special Assistant for Environmental Affairs are:

- (1) Act as principal adviser to the Assistant Secretary on environmental affairs;
- (2) Serve as the Agency's responsible official under the National Environmental Policy Act of 1969 (NEPA);
- (3) Develop and direct the Agency's procedures for complying with NEPA and other environmental legislation;
- (4) Review on a project basis the Agency's program involvements and recommend them to the Assistant Secretary for approval or disapproval based upon the requirements of this directive being fulfilled;
- (5) Coordinate the Agency's environmental program with the environmental programs of local, State, and other Federal agencies which become involved with EDA projects;
- (6) Represent the Assistant Secretary at conferences and meetings and on interagency committees dealing with environmental matters;
- (7) Maintain liaison on environmental matters with interested public groups and local, State, and other Federal agencies;
- (8) Review and evaluate legislative and administrative proposals in terms of their environmental impact; and
- (9) Perform such other assignments of a policy, administrative or operational nature as requested by the Deputy Assistant Secretary.

17.02-2.03 Procedures for public works and business loans project processing. Throughout the following procedures special attention at the regional and Washington levels is needed to uncover any significant environmental impacts brought about by a proposed project at the earliest possible time, in order that additional information or amendment of the project can be accomplished. Personnel both in the field and in Washington should feel free to request assistance on environmental matters from the Special Assistant for the Environment, Office of the Deputy Assistant Secretary for Economic Development.

a. Environmental file. EDA will initiate an "Environmental File" for each project funded by EDA (excluding EDA projects supplementally funded to other Federal agencies and which will contain the following:

- (1) The Economic Development Representative's environmental assessment (Appendix A);
- (2) Comments per OMB Circular A-95 from regional and State clearinghouses including any supplemental State comments received;
- (3) Comments from other Federal agencies and/or non-Federal or private organizations;
- (4) EDA regional office analysis and impact determination;
- (5) EDA Washington program office review;
- (6) The Special Assistant for the environment's review and certification that the requirements of this directive have been fulfilled, and
- (7) Where required, both a draft and final environmental impact statement.

b. Economic Development Representatives (EDRs). Economic Development Representatives will instruct potential applicants for

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VANDALIA, OHIO

Approved For Release 2001/03/04 : CIA-RDP80M1601R000200010001-1

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SEMI-WEEKLY - 5,977

Should CIA tell all?

By CHARLES W. WHALEN, JR.

Third District Congressman

Legislation with important consequences both for the Congress and for our foreign policy presently is being considered by the Senate Armed Services Committee.

The bill, sponsored by Senator John Sherman Cooper of Kentucky, proposes the Central Intelligence Agency submit regular reports to the Senate Foreign Relations and Armed Services Committees and to the House Foreign Affairs and Armed Services Committees.

This measure would require the CIA to keep the Committees fully and currently informed "regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security."

The bill's provisions were patterned after the Joint Atomic Energy Act of 1946, which specified that the Atomic Energy Commission and the Defense Department keep the Joint Committee on Atomic Energy fully informed.

Proponents of the legislation argue that it is necessary to be kept well-informed in order to deal effectively with foreign policy decisions. The Foreign Relations Committee, in its report on the measure, said a "right to full information and analysis...would strengthen and improve the operation of our government."

"The bill is needed to enable Congress properly to carry out its Constitutional responsibilities for the making of foreign policy and national security."

The State Department opposes the plan. It contends such legislation would be dangerous to national security and would allow Congress to overstep its Constitutional bounds.

In my view, complete and accurate information is necessary for Congress to reassert its Constitutional role as a participant in the making of foreign policy, and this measure is needed to provide that information. In order for Congress to be equal with the executive branch, it must have the same right to information that the executive has.

Much of what has happened in Southeast Asia is directly traceable to information in Congress. This bill would be invaluable in avoiding such uninformed judgments in the future.

To prevent the disclosure of secret information, the measure would permit only Members of the relevant Committees, and their staffs, to receive the reports. The Joint Committee on Atomic Energy has already demonstrated the success of this practice.

The National Security Act of 1947, which created the CIA, provided that information gathered by the agency was to be used only by the executive branch. Until now, Congress has received the information only at the discretion of the President.

Senator Cooper's bill was first studied by the Senate Foreign Relations Committee and approved on July 17. The bill then was referred to the Senate Armed Services for further consideration.

I will strongly support this measure when it comes before the House. With a legal right to CIA information, Congress will be able to deal with problems much more effectively.

Had this bill been passed twelve years ago, our recent history might have been completely different.

Approved For Release 2001/03/04 : CIA-RDP80M1601R000200010001-1

Had this bill been passed twelve years ago, our recent history might have been completely different.

Congress Seeks Facts On CIA

By WILLIAM K. WYANT JR.
A Washington Correspondent of the Post-Dispatch

WASHINGTON, April 11 CONGRESS CAN be gimlet-eyed when looking at welfare projects, but thus far has played the doting, indulgent parent if cloak-and-dagger work is afoot. It is bad form for a legislator to inquire as to how many billions the intelligence agencies are getting, or ask for a peek at what they find out.

That is changing. Senator John Sherman Cooper (Rep.), Kentucky, appears to be making good progress with his proposal that the Central Intelligence Agency make available to Congress what it knows about matters relating to foreign countries and the national security.

Proponents of the Cooper bill say it will prevail because the existing situation does not make sense. Congress needs light to make its decisions. Why should Congress be ignorant of facts and analyses assembled by the United States at great cost?

Congress now operates in the dark. As Cooper noted when the Senate Foreign Relations Committee opened hearings March 28, the foreign intelligence information developed by the CIA and other agencies is available only to President Richard M. Nixon and the Executive Branch, as a matter of law.

"I contend that the Congress, which must make decisions upon foreign policy and national security—which is called upon to commit the material and human resources of the nation—should have access to all available information and intelligence to discharge properly and morally its responsibility to our government and its people," Cooper said.

SENATOR COOPER'S proposal would amend the National Security Act of 1947, under which the CIA was established. There is a precedent for what he wants to do, in that Congress required in 1946 that its joint Committee on Atomic Energy be kept fully informed of the work of the Atomic Energy Commission, a federal agency.

It was remarked at the hearings by Senator Stuart Symington (Dem.), Missouri, a member of the Foreign Relations and the Armed Services Committees, that he had been unable to obtain nuclear information as a member of those committees. He became a member of the Joint Committee on Atomic Energy last spring.

"I learned more about the true strength of the United States in six days in Europe about this time last year than I did in my previous 18 years as a member of the Armed Services Committee," Symington said.

Testimony on the Cooper proposal gave Senators an opportunity to complain

rect the CIA from sending "facts and analyses" to Senate and House committees dealing with foreign relations and the armed services. The CIA reports would include material produced by all agencies.

WHAT COOPER and his associates want, as a practical matter, is the same basic intelligence that is disseminated to the White House, the Pentagon and other branches of Government. They do not want to be fed tidbits carefully selected by persons who may have an ax to grind.

Vast sums have been voted by Congress to buy weapons systems that insiders maintained were essential to counter perils that turned out to be illusory. Critics of such spending want to be able to question the CIA, which has the reputation of putting out sound and honest reports.

Among witnesses who have testified favorably on the Cooper bill are Adam Yarmolinsky of Harvard Law School, a former assistant secretary of defense, and Herbert Scoville Jr., former director of science and technology for the CIA.

"IT SEEMS TO ME," Yarmolinsky said March 30, "it is rather inappropriate for the Congress of the United States to be in the position of the schoolboy who is lectured by his instructors rather than in the position of the graduate student who is able to go into the library and look up the sources."

Scoville noted that the CIA frequently briefed congressional committees but said this was not so satisfactory, in his opinion, as the situation would be if the CIA had a legal duty to keep Congress informed. He pointed out that measures must be taken to safeguard the information.

"I believe the regularized provision of national intelligence to the Congress by the CIA would improve security," he said, "not compromise it."

In the House, a companion bill to Cooper's has been introduced by Representative Paul Findley (Rep.), Illinois.

This was called by Senator J. William Fulbright (Dem.), Arkansas, chairman of the Foreign Relations Committee, "a shocking and unprecedented situation."

Senator Cooper's bill would not throw light on intelligence-gathering costs but would di-

Secrets of the CIA

The Senate Foreign Relations Committee is considering a bill seeking to force the Central Intelligence Agency to cut Congress in on the same secret reports it makes to the White House. The Nixon administration opposes the legislation and proponents concede it would be difficult to override a Presidential veto.

The administration appears to fear that if 535 members of the House and Senate got this information it wouldn't be secret very long and that the principal beneficiary might be Jack Anderson, the muckraking columnist, who has a great itch to read secret papers.

Among the supporters of the bill is Sen. Charles H. Percy of Illinois, who had an interesting argument why members of Congress need all the information they can get. He confessed to voting wrong on the supersonic transport and the antiballistic missile defense system, both of which he opposed, stating that he had been misled by "fallacious" information.

We suppose it is better to find out late that you were wrong than never.

CHARLOTTE, N.C.
NEWS

E - 65,014

MAR 3 1 1972

Informing The Congress

If the power of Congress as one of the three equal branches of government has waned in recent times, it is in part because the legislators don't always have sufficient information to make sound decisions, much less to exert influence. Nowhere is this more true than in the field of foreign affairs.

The President, of course, is granted the authority to make foreign policy, but at the same time the Congress holds the constitutional power to make war. Obviously these roles overlap. Nonetheless, it is past time for Congress to re-assert its prerogatives. A beginning would be to demand information.

A bill which would accomplish that to some degree has been introduced by Sen. John Sherman Cooper (R-Ky.) The bill calls for the Central Intelligence Agency (CIA) to inform "fully and currently" the committees in the House and Senate concerned with military and foreign affairs. In Cooper's words, it would grant some members of Congress "access to all available information and intelligence" so that the legislature "can discharge properly and morally" its responsibility.

That doesn't seem unreasonable, although the Nixon administration opposes the measure for reasons not altogether clear. Certainly it would seem members of the select committees involved could be trusted with the highly classified information. It is realized, of course, that in a body as large as Congress, there will be a few blabbermouths. Still, it seems

Cooper's Bill Deserves A Full And Fair Hearing

well worth the risk that a secret might be compromised. The alternative is for Congress to keep operating without benefit of this information.

The Pentagon Papers have demonstrated that the Vietnam War might have been prosecuted differently, or not at all, had all information been known to Congress and not just information which LBJ wanted Congress to have. Much the same can be said of warlike actions against Cuba and the Dominican Republic.

The Cooper bill may have rough sledding, but it has picked up support from impressive, if unexpected, sources. This week two former senior CIA officials recommended that the CIA maintain liaison with the Congress on a regular basis. At the same time one charged that the administration "misused" intelligence in 1969 when it asserted the Russians were on the verge of having a first-strike capability.

It is still too early to endorse the bill; more debate is clearly called for. Yet some type of guarantee that the Congress will be informed is necessary and this bill may be the vehicle. Hopefully it will get a full hearing.

LOUISVILLE, KY.
COURIER JOURNAL

M - 239,949
S - 350,303

~~MAR 3 1 1972~~

CIA finally ready to talk?

EVEN OUR SPIES now doubt the wisdom of whispering their secrets into the ears of only one man and giving him exclusive control over that ultimate tool of foreign policy—war.

At least that's the interpretation many observers have placed on John A. McCone's endorsement of Senator John Sherman Cooper's bill to require the Central Intelligence Agency to turn over its secret intelligence reports to Congress. Although Mr. McCone no longer runs the CIA, the agency's former directors are known to be a close-knit group who almost never take a public position which is opposed by the incumbent director.

Since Mr. McCone committed himself the other day to testify in favor of the bill before the Senate Foreign Relations Committee, it's widely believed that he'll be saying what the current CIA director, Richard Helms, would say if he could. The Nixon administration opposes Senator Cooper's bill, and Mr. Helms, if he values his job, must keep silent.

The bill was introduced last July, after publication of the Pentagon Papers revealed that a succession of presidents had deceived the

public and the Congress about the situation in Vietnam. The papers also revealed that the CIA—which over the years had been blamed for many of our failures in Indochina—had, in fact, consistently expressed a skeptical view of our Vietnam policy from the Truman to the Nixon administrations. Acting contrary to intelligence reports that they alone could see, and gulling Congress and the public into blind support of their policies, these presidents eventually gave us our longest and most futile war.

Senator Cooper's bill—which would require the CIA to make regular reports to four congressional committees and supply other information on demand—should prevent a recurrence of those monstrous errors. Mr. McCone's endorsement of the bill is an encouraging sign that such a return to presidential and congressional responsibility isn't impossible.

SENATOR SOAPER SAYS one reason the pandas will go to the Washington Zoo is that the climate there is good for pandas. We had always wondered what it might be good for.

SUN-TIMES

M - 536,108
S - 709,123

MAR 29 1972

STATINTL

Doubt Congress can defy Nixon on CIA data

By Thomas B. Ross

Sun-Times Bureau

WASHINGTON — Sen. J. William Fulbright (D-Ark.) and a former official of the Central Intelligence Agency expressed doubt Tuesday that Congress would be able to pry loose the CIA's secret intelligence reports from the Nixon administration.

Fulbright, chairman of the Senate Foreign Relations Committee, opened the hearings on a bill that would require the CIA to give its estimates to Congress as well as the White House. After disclosing a State Department letter declaring the administration's opposition to the bill, Fulbright indicated he was pessimistic about the prospects of overriding a Presidential veto.

The first witness, Chester Cooper, a former CIA, White House and State Department intelligence analyst, said he doubted an OK would be forthcoming until the administration was convinced the CIA's secrets would be protected by Congress.

"Frankly," he testified, "I think the Executive does not want you to have this information. Unless the issue is faced squarely, you are going to get very sanitized, thin, harmless information. You'll get a lot of bulk but not much nourishment."

Cooper and Herbert Scoville, former head of the CIA's re-

search division, insisted the administration's fear of leaks was unfounded but, nonetheless, very real.

Scoville argued that the CIA has been providing secret reports to the Joint Committee on Atomic Energy for more than 20 years without any leak of security information. But Cooper pointed out that "few of the AEC issues are politically contentious," while most of the Foreign Relations Committee's are.

The bill, sponsored by Sen. John S. Cooper (R-Ky.), is designed to give key Senate and House committees the type of secret information that will allow them to judge whether the President is following the best intelligence advice.

Fulbright said his experience over the last 10 years has been that the "reports of the CIA have proved more accurate than any other estimates."

Sen. Frank Church (D-Idaho) suggested the State Department opposed the bill because it wanted to make "administration stooges" of key members of Congress.

Church joined Sen. Charles H. Percy (R-Ill.) and the five other committee members present in supporting the bill. But he contended that an even more important issue was how to stop the CIA from "military and paramilitary" operations around the world. He said Congress had never received a

satisfactory answer on the statutory authority under which those operations are conducted.

Percy said the CIA had proved more valuable to him than any other source of secret information but said he was still appalled at how little senators are told about vital questions. He confessed to voting wrong on the supersonic transport and the antiballistic missile because of "fallacious" information.

The State Department letter argued that the bill would undermine the secretary of state's role as the President's chief adviser on foreign policy, violate the separation of powers between the executive and legislative branch and risk violations of security. Fulbright dismissed the department's response as "about as weak a letter as I've ever seen."

Scoville and Chester Cooper agreed on the charge that there was no merit in any of the department's arguments. Cooper went so far as to suggest that the administration was making a "conscious effort to confuse."

CHICAGO, ILL.
TRIBUNE

M - 767,793

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MAR 9 1972

STATINTL

Iron Curtain Broadcasts

CHAMPAIGN, Ill.—I commend your editorial "Penetrating the Iron Curtain" [March 4] for its frank putdown of Sen. Fulbright and his views on Radio Free Europe and Radio Liberty. How he could be so naive, I can't imagine.

As you mentioned, nearly one-third [250 out of 800] of the workers and staff of Radio Liberty is composed of Soviet defectors. If, as Fulbright puts it, Radio Free Europe and Radio Liberty were pure CIA propaganda, then why do these people who have listened to the broadcasts, and had a chance to find out the truth after having defected, go there to work after their achievement of freedom?

They know what it means to not know what is going on in the world. They know also what propaganda is, having lived with it while in the Soviet Union.

As one example, when Khrushchev died one would expect the people of the Soviet Union to hear about it immediately, as America did when President Kennedy was assassinated. However, this was not the case. For those who had no access to the Radio Liberty broadcasts the news was days late. For those who did have access to these broadcasts, the news was known immediately.

The subjugated people of the Soviet Union have learned to rely on these broadcasts as a source of hope for better things to come. If these broadcasts are cut off, the effect can be totally demoralizing and disastrous.

Taras Drozd

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

Humphrey Says He'd Dump FBI Director Hoover

STATINTL

By HARRY KELLY

News American Washington Bureau

WASHINGTON — In an undisclosed bid for the youth vote, Sen. Hubert H. Humphrey has told college students he would drop J. Edgar Hoover as FBI director if elected President.

Humphrey made the statement in a question-and-answer session from which the national press was barred at George Washington University in Washington.

Without fanfare, Humphrey thus joined Sens. George McGovern, Edmund Muskie and Eugene McCarthy on the controversial issue of replacing Hoover — a figure with strong appeal to conservatives and older voters in both parties.

IT ALSO appeared to be a change of public position for Humphrey. In trying to win conservative Democrats in the primary in Florida — where Hoover stands tall as a law and order symbol — Humphrey has sought to sidestep the Hoover question, as he did during his 1968 presidential campaign.

When Humphrey opened his Florida campaign Jan. 10, he refused to answer directly at a news conference whether he would ask for Hoover's resignation if elected.

"I shall not engage in particular individuals," said the former vice president, adding, however, that he would seek a law setting limits on the terms of such offices as director of the CIA and head of the FBI.

BUT COULDN'T he do that without legislation, Humphrey was asked. "Yes, I could," replied Humphrey, "and I most likely would."

But he would go no further. When pressed he said, "I have answered that question as much as I shall."

Two weeks later Humphrey was the main attraction at a student-panel show at George Washington University promoted by a company filming appearances of the presidential candidates for sale to schools and educational TV channels.

The company, the American Program Bureau, told the university it wanted no press coverage for fear publicity would subtract from interest in the films, a university spokesman said yesterday.

WHEN A STUDENT on the panel asked Humphrey if as president he would keep Hoover as FBI head, Humphrey said:

"I would say that J. Edgar Hoover has served the country long enough and well enough; that if I were president of the United States I would appoint a new director of the Federal Bureau of Investigation."

Humphrey's comments were not disclosed until the George Washington student paper, The Hatchet, included them in an article on the Minnesota senator's appearance.

WHEN ASKED about it, Humphrey's campaign staff made available a tape recording of the question and answer session.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

STATEMENT

CHARLOTTE, N.C.
OBSERVER

M - 174,906
S - 204,225

FEB 17 1972

The Congress And CIA Controls

The Central Intelligence Agency, a sort of world power unto itself these many years, is going to have to join the Union at last.

The Senate Foreign Relations Committee put its foot down recently and slapped some new controls on the CIA when it prepared the foreign aid authorization bill. President Nixon signed the bill last week.

The controls mean the CIA will be limited in the number of military personnel it can use for its projects; in how much it can pay foreign troops; and in

the amount of arms it can distribute in other countries.

One objective of the Foreign Relations Committee was to curb CIA activity in Cambodia, where the committee feared the agency might generate another war, as it helped to do in Laos. Thus, aid to Cambodia is limited and the CIA must make quarterly reports on that country to Congress.

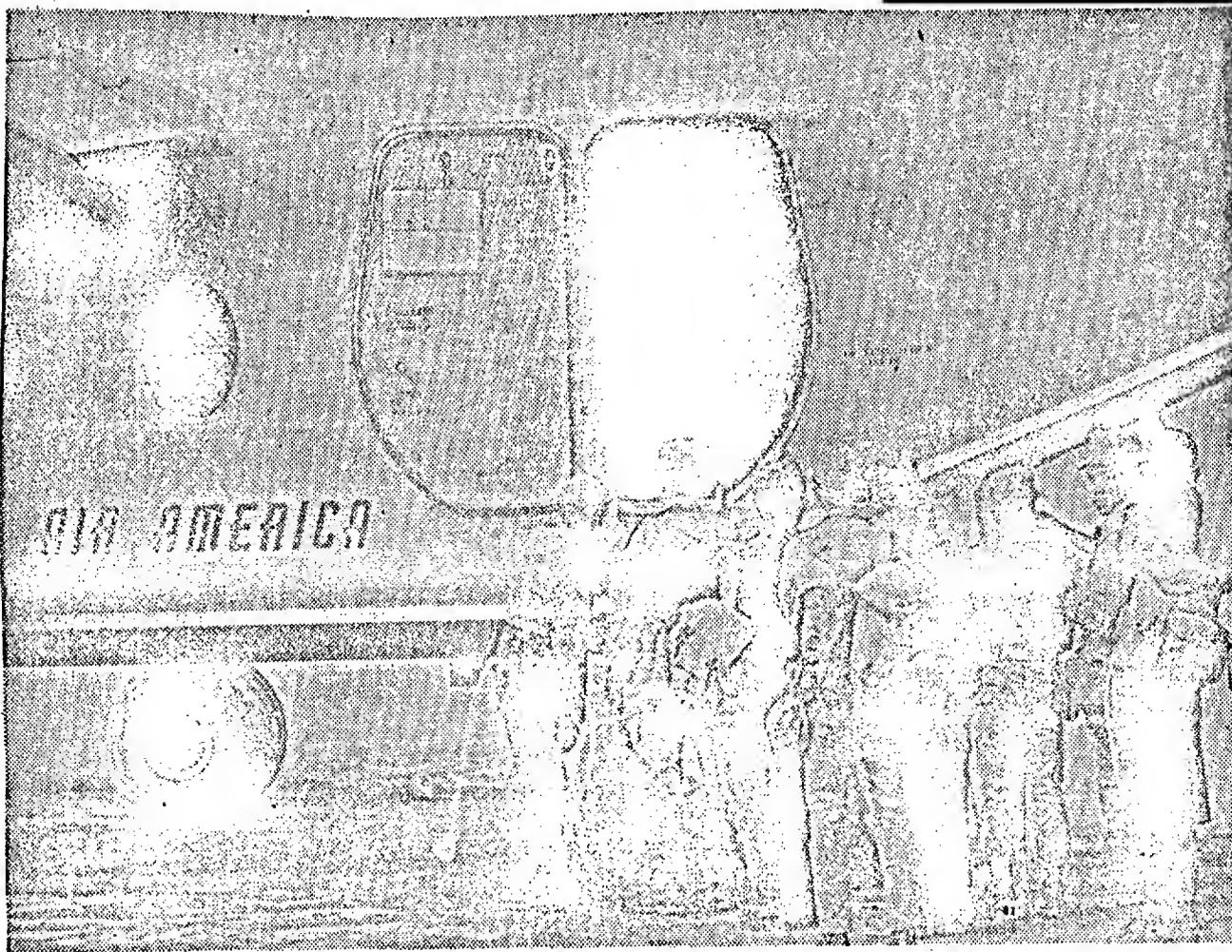
The new limitations are not air-tight. More are probably needed. But the Congress has at last put a firm hand on the reins for the first time since the CIA was created in 1947.

Approved For Release 2001/03/04 : CIA-RDP80-Q16

18 FEB 1972

STATINTL

STATINTL



The New York Times/Nancy Moran

LAOTIANS ON THE MOVE: Soldiers board plane at Ban Xon, Laos, for flight to Long Tieng, a base operated by the Central Intelligence Agency that was recently under siege. The Airline, Air America, is also supported by C.I.A.

First Congressional Restraints Are Imposed on C.I.A.

By BENJAMIN WELLES
Special to The New York Times

WASHINGTON, Feb. 12.—The foreign aid authorization bill, signed by President Nixon on Monday, includes for the first time in a quarter-century new controls on the operations, cost and personnel of the Central Intelligence Agency.

The controls, which thus far have attracted little public attention, are the first to be added since Congress created the agency through the National Security Act of 1947, a measure that was amended in 1949.

This act exempts the CIA from most fiscal and personnel controls imposed on other federal agencies. Funds, personnel and material voted by Congress to other agencies, such as the Defense Department, can, for example, be switched legally to the C.I.A.

The controls were inserted at various points in the aid bill largely through the efforts of

forts of Senators Clifford P. Case, Republican of New Jersey; Frank Church, Democrat of Idaho, and Stuart Symington, Democrat of Missouri. They are members of the Foreign Relations Committee.

Together with the committee's Chairman, J. W. Fulbright, Democrat of Arkansas, they have protested increasingly in recent months that Congress has too little knowledge of, let alone control over, the agency's activities, particularly in Southeast Asia.

Senator Case urged on July 12 a tightening of restrictions over the Defense Department's use of its funds overseas and over its power to transfer "surplus" military material to other United States agencies. Mr. Case insisted that the C.I.A. included in the restrictions lest United States involvement in Cambodia develop surreptitiously, as he said it had in

Convention of Congressional Case, Republican of New Jersey; Frank Church, Democrat of Idaho, and Stuart Symington, Democrat of Missouri. They are members of the Foreign Relations Committee.

"It would also," he said, "eliminate the possibility that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using C.I.A. through more open Government agencies."

Stennis Their Irritant

The ire of the committee members is reported to be less against the C.I.A. itself than against Senator John C. Stennis, Democrat of Mississippi, Chairman of the Armed Services Committee and of the so-called "Oversight" Committee for the agency. The Oversight Committee comprises senior members of the Armed Services

and Appropriations committees plus four members of the Foreign Relations Committee. It is supposed to watch over all the agency's activities.

Under Senator Stennis's direction, however, it did not meet at all in 1971—to the annoyance of Senators from the Foreign Relations Committee, who contend that C.I.A. activities around the world intimately and sometimes decisively affect the conduct of United States foreign policy.

They have now moved to bypass Senator Stennis and to gain some control over the agency's funds, personnel and activities by writing controls into the aid bill. Some Congressional sources say, however, that there are still loopholes.

Specifically, according to legislative specialists, the new controls will require the following actions:

BOSTON, MASS.

GLOBE

JAN 8 1972

M - 237,967

S - 566,377

EDITORIAL POINTS

News from Southeast Asia shows us that the Constitution has been rewritten. The power to declare war is now vested in the CIA.

The conspiracy law, it is said, forbids legal acts towards an illegal end. This should make one think twice before hiring a lawyer to beat the income tax.

Ralph Nader, looking for institutions that work well, embarks on the most interesting hunt since Diogenes set forth with his lantern.

In city and suburbs, not even the automobile qualifies as rapid transit.

Asians say this is the year of the rat, but let us name no names.

MIAMI, FLA.

NEWS

DEC 9 1971

E - 93,538

S.C. THE MIAMI NEWS

STATINTL

Government Log

Federal pay hikes now up to Nixon

By RICK EYERDAM

Miami News Reporter

Over \$1 billion in pay increases for the nation's 29 million federal employes will be at stake when the Economic Stabilization Act goes to President Nixon for his signature.

Lost in the turmoil over the campaign spending provision tacked onto the bill by the Senate was the fact the Senate also added a provision granting pay increases to federal employes as of Jan. 1, 1972.

The President had asked that the increases be delayed until June, 1972.

The President has objected to the campaign spending section which allows all citizens to dedicate \$1 of their income tax returns to the party of their choice and has threatened to veto the bill if the House-Senate conferees comes out with it.

A veto of the entire bill would also strike down the January pay increase.

A White House source admitted that the \$1 billion would put a strain on the already overburdened budget, but would not comment on the possibility of a presidential veto.

The President could veto

the campaign spending provision without killing the entire bill. The decision he makes could seriously effect his reelection for these reasons.

If he vetoes the entire bill, he will loose valuable time getting his program authorized and implemented.

The Democrats will make a campaign issue out of the campaign spending measure.

The federal employes will lose their pay increases for six months.

* * *

Remember Nov. 15 through Dec. 31 is open season on health insurance benefits. If you are not enrolled you can join. If you already belong and want to change plans you may.

* * *

A federal employee bill of rights, prohibiting governmental intrusion into the computerized files of federal employes is making headway in the U.S. Senate.

The bill prohibits the government from requiring financial, racial, political and religious information from a potential employe in most cases. It also prohibits supervisors from using coercion to make employes buy U.S. Savings Bonds or contribute to charity.

Exempted from the bill are the CIA, FBI and the Nation-

NATION

STATINTL

Congress and the CIA

President Nixon has issued an executive order which invests Richard Helms, director of the CIA, with authority to oversee all the intelligence agencies (the National Security Agency, the Defense Intelligence Agency, etc.) and to cut "bureaucratic fat" and professional overlapping wherever possible. There may be merit in this new order, but there is incontestable merit in Sen. Stuart Symington's reaction to it. The Senator notes that the CIA was brought into existence in 1947 by an act of Congress. Its powers and duties are defined by legislation adopted by the Congress. The director and deputy director are subject to confirmation by the Senate. Last year the Congress appropriated between \$5 billion and \$6 billion for the intelligence establishment; no one knows the exact amount, since part of the CIA's budget is artfully concealed. Yet the Senate was not consulted about the proposed reorganization. Senator Symington serves on the CIA subcommittee of the Senate Armed Services Committee. To his knowledge, the subcommittee was not consulted about, nor did it approve, the reorganization ordered by the President. As a matter of fact the subcommittee has not met once during the current year. This is an amazing state of affairs. Surely the Congress has a right to be consulted about the reorganization of an agency which owes its existence to an Act of Congress and is sustained by annual appropriations voted by the Congress.

The fact is that the CIA enjoys an autonomy almost as complete as that enjoyed by the FBI. Whatever the original intention of the Congress, the CIA functions today as an adjunct of the White House. The intelligence it gathers is available to the President; it is not available to the Congress. Under the proposed reorganization, it will be even more directly responsible to the President, and by its oversight control over the other agencies will be supplying him with a unified appraisal. An agency that gathers information for the President may be tempted to provide him with the estimates it thinks he wants (as the Pentagon Papers have shown, intelligence reports that do not coincide with White House opinion are apt to be ignored), and as Joseph Kraft pointed out in a recent column, there is much to be said for diverging, even conflicting, reports in the highly subjective area of intelligence evaluation.

The CIA is closed off from scrutiny by the press, public and the Congress; like the FBI, it functions in splendid bureaucratic isolation. Mr. Helms is such a gray eminence that a private elevator takes him to and from his office in the CIA structure in Langley, Va. Like Mr. Hoover, he is usually not "available," except at budget time. Recently, however, he has been trying to give the agency a new, or at least a brighter image, since he is well aware of a growing restiveness in the Congress and of the need to slash budgets. A *Nation* editorial of May 3 called attention to the way in which Mr. Helms was "breaking cover" to talk about the brilliant achievements of the

agency and to assure us that it is staffed by dedicated friends of the democratic ideal. Now he is up to the same antics again. This week he is the "cover boy" on *Newsweek*, with the predictable feature telling of gallant CIA capers of a kind that could have been made known only by the agency that is so super-secret it feels compelled to conceal its activities from the Congress.

Congress should not take any more of this guff from the agency or its director. It has authority to insist that its authority be respected and it has a clear responsibility to act in that spirit. In an editorial last August 2, we remarked on a measure, introduced by Sen. John Sherman Cooper, which would require the CIA to make its intelligence reports available to the chairman of the germane committees of the Congress (Armed Services and Foreign Relations) and also require the agency to prepare reports at the request of the Congress. There is precedent for such legislation in the instructions given the AEC. After all, the CIA often gives to foreign governments information and reports which it will not make available to the Senate or the House. This is selective secrecy carried to a grotesque extreme.

Hearings will be held on Senator Cooper's bill (S. 2224) during the first week of February. It is a wise and sensible proposal. We hope it is adopted. We hope too that the CIA subcommittee will come alive and begin to exercise a real degree of oversight over the agency. Better still, the Senate should adopt the resolution offered by Senator Symington (S. 192, November 13) to create a select committee which would oversee the CIA. But there is really only one way to deal with the problem of the CIA and that is to make it directly responsible to the Congress. If it is engaged in activities of such a character that they cannot be reported to the Congress, then it should be told to abandon those activities. There is no place for a secret agency of the CIA type within the framework of a constitutional democracy, which is how Justice Stanley Reed once characterized our form of government. As long as the CIA can plead secrecy, Congress will be unable to exercise effective oversight. The time has come to make both the FBI and the CIA subject to close and continuing Congressional supervision and control.

STATINTL

24 NOV 1971

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

Intelligence Outlay Ceiling Is Rejected by Senate, 56-31

By George C. Wilson
Washington Post Staff Writer

After a sharp debate punctuated by such shouts as "the Senate is due an explanation" and "I can be trusted," the Senate last night voted 56 to 31 against an amendment to put a ceiling on spending by government intelligence agencies.

Sen. Stuart Symington (D-Mo.), in offering the amendment to the defense money bill, said his purpose was to let Congress in on what American intelligence operatives are already doing and plan to do in this country and abroad.

"The point," he told the senators during the dinner-hour debate, "is to state that we do not have the facts required to allocate the resources of the country."

Symington and his allies thus made the stiffest challenge yet to the way Congress tries to keep track of the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency and the separate intelligence arms of the Army, Navy and Air Force, operations which altogether reportedly cost some \$6 billion a year.

"There is no federal agency of our government whose activities receive less scrutiny and control than the CIA," Symington said, "and the same is true of other intelligence agencies of the government."

As a case in point, Symington cited the Central Intelligence subcommittee of the Armed Services Committee which is chaired by Sen. John Stennis (D-Miss.).

When Stennis during the debate said "it is so tragic" to try to limit intelligence operations through hasty action on the Senate floor, Symington shouted in reply: "I wish his interest

was such he had just one meeting, just one meeting."

The Missourian said he did not know how much the various intelligence agencies of the government spent in any one year, adding that he understood published estimates of \$6 billion were too high. But his amendment, in an attempt to force an accounting, would have limited total spending by all the various agencies to \$4 billion in the fiscal year starting next July 1.

Chairman Allen J. Ellender (D-La.) of the Senate Appropriations Committee and its Intelligence Operations subcommittee said during the debate he could not tell fellow senators how much is spent on intelligence because "that's a top secret."

Ellender conceded under questioning by fellow senators that he did not know in advance about the CIA's financing of any army in Laos. Symington's allies, especially Chairman J. W. Fulbright of the Foreign Relations Committee, argued that such lack of congressional knowledge about worldwide activities demonstrated the need for more accountability.

"One of the things that worries me most of all is the CIA going off and conducting a war of its own," Fulbright said. He disputed Stennis' contention that revealing the total budgets of intelligence agencies would disclose any military secrets.

"I don't believe it is tragic" for the Senate to demand the information through such a device as the Symington amendment, Fulbright said. "The Senate is due an explanation."

Symington at one point shouted "I can be trusted" in expressing his frustration in being kept in the dark about

covert intelligence operations. He said such lack of information undercut his effort to vote sensibly on the allocation of the nation's resources.

Several senators expressed uneasiness over the White House's recently announced reorganization of intelligence functions. "No doubt about it," Symington said of the reorganization, "we're putting intelligence in the hands of the military."

Stennis, in declaring that Congress in its own laws creating the agencies stressed the need for secrecy on intelligence operations, said to his fellow senators: "You're just going to have to make up your mind that you can't have an accounting -- shut your eyes and take what comes."

He promised that the Senate Armed Services Committee would conduct an in-depth analysis of the nation's intelligence activities, including the restructuring recently ordered by the White House.

In the meantime, Stennis said, "The only thing to do is vote this amendment down" and work for reforms in a more orderly fashion.

STATINTL

When Imperialism Masks Itself As Altruism

In a sarcastic reference to Senator Fulbright and defeat of the foreign aid bill, Deputy Defense Secretary Packard at a press conference Nov. 4 said "I hope we don't go back to a Fortress Arkansas posture." If the Pentagon wants to see a real Fortress Arkansas, it should read the speech delivered by the other Senator from Arkansas, McClellan, the day foreign aid was defeated. Sen. McClellan said the bill contained only one item deserving of support—the \$250 million it would have authorized for East Pakistani refugees. The chauvinism and isolationism to which Nixon and Rogers covertly pandered after the UN vote on China found uninhibited expression in the McClellan speech. He called the vote "this insult to America's good will and unparalleled beneficence." He inserted a table in the Congressional Record showing that the U.S. had given \$43 billion in aid since World War II to the nations which voted against the U.S. on China. "When they so viciously bite the very hand which has sustained them," McClellan said, "it is time to stop giving them our taxpayers' money." This is the kind of talk which goes down far better in rural and small town Arkansas than Fulbright's idealism. Those attacking Fulbright on foreign aid would do well to consider how differently the U.S. would look to the rest of the world if the other Senator from Arkansas were chairman of Senate Foreign Relations.

"Foreign Aid" A Misnomer

Both Senators from Arkansas voted no when the foreign aid bill was finally rejected. But on the way to that final ballot, they voted quite differently. To look at their contrasting positions on the various amendments offered is to begin to see the multiplicity of issues involved. Lumping them all together in a so-called "foreign aid" bill gives an erroneous impression of what the fight was all about. Nor can the various votes on various issues simply be classified as "internationalist" or "isolationist." Let us begin with the issue of Greece, which ranked high on the Pentagon's concerns. The Nixon Administration programmed \$90 million in military aid to the Greek dictatorship this fiscal year and \$118 million next fiscal year. The foreign aid bill, as reported out of committee by Fulbright, called in effect for a ban on all military aid to Greece until free institutions have been restored. This is in accord with the 46 to 8 vote by which the NATO Assembly as recently as Sept. 27, called on all the NATO powers to press for the restoration of democracy in Greece. Secretary Rogers, in his Oct. 30 statement on the defeat of the foreign aid bill, said we "cannot retreat from the realities of our interdependence with the rest of mankind." Which represents such a retreat? The Nixon insistence on aid to the Greek dictatorship, despite the views of our NATO allies, or the Fulbright call for an arms embargo? Packard said we might have to withdraw our 6th fleet from the Mediterranean without Greek and Turkish bases. Is that internationalism or imperialism? When the Administration pressed successfully for restoration of Greek military aid, McClellan voted for it and Fulbright voted no.

Or let us take the vote on the Buckley amendment, where Fulbright was allied with the Administration. New York's rightist Senator would have cut the \$139 million recommended for a group of UN organizations to \$37.5 million. This would have been seen as a Chinese lobby effort to keep Taiwan. It would have had a crippling effect on the UN De-

velopment program, its Children's fund, the FAO world food program, the World Health Organization and the miserable pittance UNRWA provides for Palestinian Arab refugees. Fulbright spoke strongly against the cut, as did Javits, and it was defeated 55 to 28. McClellan voted with Goldwater, Dole, Eastland and most of the Southern Democrats for the Buckley amendment. But the battle lines shifted, and the Administration was dependent on these same right-wing votes when it came to the heart of the struggle, which was not over disbursements but over the war-making authority.

The foreign aid bill, as it came from the Fulbright committee was an anti-war and an anti-imperialist measure. The foreign aid program over the years has provided the first stealthy steps toward military commitment in Indochina. Programs first sold as foreign aid were later cited as authority for armed intervention. It was therefore natural that the foreign aid bill should become the vehicle to reverse the process. The Administration then made it clear that it preferred to veto the bill and drop foreign aid altogether rather than accept amendments which would force it to wind up the war in Indochina. Its first target was the Cooper-Church amendment which would have prohibited the use of funds for U.S. forces in Indochina for any purpose other than withdrawal. Its second was the Symington-Case amendment to put a ceiling on involvement in Cambodia, which threatens to become a second Vietnam. When the Administration succeeded in knocking out the first and weakening the second, many supporters of foreign aid like Fulbright, Nelson, Tunney and Hatfield among others voted against the bill.

Cambodia—A New Vietnam?

The final vote reflected the anxieties triggered by the revelation in the *New York Times* Oct. 13 that the Joint Chiefs of Staff were planning the expansion of the Cambodian armed forces to more than 500,000 men by 1977. This would mean putting nearly half the adult male population under arms. It would also boost aid for Cambodia to half a billion dollars a year by 1977. Fulbright said that the Administration's actions, in planning to transfer the war from Vietnam to Cambodia and Laos, "strike me as being quite inconsistent" with the supposed purpose of Nixon's trip to Peking. "I think the longer we prolong the war, and certainly we do so by expanding it in Cambodia," he told the Senate, "the more difficult it will become for the President to achieve any significant agreement with the Chinese." The Nixon Doctrine of (in Dulles's phrase) "letting Asians fight Asians" to contain China for us is either obsolete or the new gestures toward

continued

The Senate Foreign Relations Committee is fighting not against foreign aid but against the use of foreign aid as a cloak for interventionism, a cover for secret actions by the military and the CIA which undercut the power given Congress by the Constitution to decide the basic questions of war and peace. The Committee by splitting a substitute measure into two bills, one for military and the other for economic assistance, has helped to clarify the issue. The new measures heading for a Senate showdown as this is written contain many of the restrictions on the military and the CIA in Indochina and elsewhere which were in the original bill. This is not a fight over foreign aid but an effort (1) to get us finally and completely out of Indochina and (2) to substitute multilateralism and a genuine internationalism in helping other nations for an imperialism which has too long succeeded in masking itself as altruism. The scarred landscape of Indochina should be enough to open the eyes of this generation to the realities.

Approved For Release 2001/03/04 : CIA-RDP80-0160

out the year, I ask unanimous consent, with the approval of the acting minority leader, that beginning today and for the rest of the session the rollcall votes be limited to 15 minutes; with the proper notification, on the five-bell basis, be in effect as it has been over the past several days.

Mr. BYRD of West Virginia. Mr. President, there was some suggestion yesterday by our able colleague (Mr. HUGHES) that the warning bells ring midway.

Mr. MANSFIELD. I think that is a good idea in order to give Senators a little more time. I amend my request to that extent. I hope that the attachés on both sides will notify Senators of this situation and inform them that this will be the procedure for the rest of the session.

The PRESIDENT pro tempore. Is there objection to the request of the majority leader? The Chair hears none, and it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

PROPOSED AMENDMENT OF TITLE 28, UNITED STATES CODE

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

SENATE RESOLUTION 192—SUBMISSION OF A RESOLUTION TO CREATE A SELECT COMMITTEE ON THE COORDINATION OF THE U.S. ACTIVITIES ABROAD TO OVERSEE ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY

(Referred jointly to the Committees on Armed Services and Foreign Relations.)

Mr. SYMINGTON. Mr. President, I submit a resolution, and I ask unanimous consent that it be jointly referred to the Committee on Armed Services and the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution reads as follows:

S. RES. 192

Whereas, It is the responsibility of the Senate to exercise general oversight with respect to the foreign relations of the United States; and

Whereas all Ambassadors of the United States are the President's representatives in the countries to which they are accredited and are responsible for supervising and coordinating the activities of all United States Government agencies in that country; and

Whereas the activities abroad of all United States Government departments and agencies affect the conduct of the foreign relations of the United States: Therefore be it

Resolved, That there is hereby created, effective at the beginning of the Second Session of the Ninety-Second Congress, a select committee to be known as the Select Committee on the Coordination of United States

Government Activities Abroad (hereinafter referred to as the Select Committee) to consist of six Senators of whom three shall be appointed by the chairman of the Committee on Foreign Relations from among the members of that committee, and three shall be appointed by the chairman of the Committee on Armed Services from among the members of that committee. No more than two of the members appointed from each such standing committee shall be from the same political party. The chairmanship of the Select Committee shall alternate at the beginning of each new session of the Congress between the Chairman of the Committee on Armed Services and the Chairman of the Committee on Foreign Relations or their respective designee.

Sec. 2. (a) It shall be the function of the Select Committee to oversee the coordination of activities of United States Government departments and agencies, including the Department of Defense and the Central Intelligence Agency, operating abroad, under the authority of the Ambassador and affecting the foreign relations of the United States. In carrying out its functions under this resolution, the Select Committee shall keep itself fully and currently informed of all such activities.

(b) The Select Committee shall meet at least once a month while the Senate is in session and at such other times as the Select Committee shall determine.

Sec. 3. (a) For the purposes of this resolution, the Select Committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses and adjournment periods of the Senate, (4) to employ personnel, (5) to subpoena witnesses and documents, (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under section 202 (1) and (1), respectively, of the Legislative Reorganization Act of 1946, (8) to interview employees of the Federal, State, and local governments and other individuals, and (9) to take depositions and other testimony.

(b) The Select Committee shall have a professional staff of at least three members appointed by agreement of the two senior members of the Select Committee from the majority party and the two senior members of the Select Committee from the minority party.

(c) Subpoenas may be issued by the Select Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(d) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the Select Committee, shall constitute a quorum for the purpose of taking sworn testimony.

Sec. 4. All departments and agencies of the United States Government which conduct activities abroad under the authority of any Ambassador of the United States shall keep the Select Committee fully and currently informed of their activities abroad.

Sec. 5. The Select Committee shall take special care to safeguard information affecting the national security.

Sec. 6. The expenses of the Select Commit-

tee under this resolution, which shall not exceed \$250,000 through February 28, 1973, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SENATE CONCURRENT RESOLUTION 50—SUBMISSION OF A CONCURRENT RESOLUTION TO AUTHORIZE PRINTING OF HANDBOOK ENTITLED "GUIDE TO FEDERAL PROGRAMS FOR RURAL DEVELOPMENT" AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE. Mr. President, when I became chairman of the Senate Committee on Agriculture and Forestry, I immediately established a Subcommittee on Rural Development. I felt that the problems of the rural areas of the Nation demanded more attention and a greater effort on the part of the Federal Government.

The lack of job opportunities and economic activity in many of our rural areas has driven millions of people into the Nation's cities. The subcommittee has attempted to examine the causes of the decline of some of our rural areas and it has attempted to devise legislation which will revitalize rural America.

The subcommittee has held extensive hearings on the problems and the promise of rural America, both in Washington and in field hearings around the country. One recurring theme that has come from these hearings has been the local citizens' dismay and frustration in attempting to deal with a complex and confusing Federal bureaucracy. Not only are Federal rural development programs underfunded and scattered in a number of different Federal agencies, but there is no centralized coordination of programs in the executive branch designed to aid the people of rural America.

Our committee is attempting to deal with this problem through legislation. Two bills pending before the committee include provisions for the coordination of the rural development activities within the executive branch. My distinguished colleague from Oklahoma (Senator BELLMON), has proposed an amendment to S. 1612, the President's rural revenue sharing proposal, which would go a long way toward the coordination of rural development activities in Government.

One important provision of this amendment would require that an office be established as near as possible to the headquarters of every multijurisdictional planning and development district in the States. This office would have all the necessary information in regard to all rural development programs and it would accept the filing of applications for funds under these programs.

I believe that the Bellmon approach has considerable merit, for it attempts to coordinate Federal programs on the local level. It is the local level which is important to the average citizen. A citizen's impression of his government is formed primarily by his contacts with the officials in the local offices of government.

One of the things that the Subcommittee on Rural Development noted dur-

Approved For Release 2001/03/04 : CIA-RDP80-01601

Senate Votes Ceiling On CIA Funds in Laos

The Senate, disturbed by CIA involvement in a guerrilla war, has voted to clamp a lid on the steadily increasing cost of defending Laos.

In a compromise worked out between the Nixon administration and Sen. Stuart Symington, D-Mo., members voted, 67 to 11, yesterday to impose a \$350 million ceiling on U.S. support for allied forces fighting in Laos — including paramilitary troops who are trained, paid, fed, clothed, advised and supported by the Central Intelligence Agency.

The amendment, a rider to the \$21 billion military procurement bill, does not affect U.S. air support for Laos, which costs about \$140 million annually. Nor does it restrict the bombing of the Ho Chi Minh Trail that leads through Laos into South Vietnam.

Would Ban Escalation

The administration decided not to fight the restriction since \$350 million apparently was all it planned to spend anyway.

But the Symington amend-

ment, if enacted, would prevent a major U.S. escalation of the war. And it represents the first attempt by Congress to control the CIA's role in the conflict—a role that now has been acknowledged by the administration.

The CIA-directed guerrilla army in Laos includes Lao irregulars and "volunteers" from neighboring Thailand.

Symington said during the debate that many of the Thai volunteers are professional soldiers from the Thai army. He said the cost of supporting them is 25 percent higher than the entire U.S. outlay for the Royal Lao army, the regular force that is supported under the official U.S. military assistance program but that has not proved effective in resisting the North Vietnamese and Pathet Lao rebels.

American ground troops have been barred from fighting in Laos since 1969 by act of Congress. But there has been concern that the growing U.S. aid program and CIA involvement—which has increased American costs 20-fold in the last nine years—could escalate into a Vietnam-like war.

CIA Role Unveiled

The CIA expenses, like most of the other appropriations for the agency, normally are disguised by hiding the outlays in padded appropriations for other agencies. The Symington amendment recognizes the CIA's involvement in Laos for the first time.

Sen. J. William Fulbright, D-Ark., warned however, that the amendment may be used by the administration in the future as evidence that Congress was authorizing the CIA to continue its work.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

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Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

STATINTL

Mr. ALLOTT. Now, Mr. President, I am ready, if the distinguished Senator from Mississippi, the chairman of the committee, is ready, and I am perfectly willing to ask for a quorum call to be taken out of both sides. I want to be sure that we have a recorded vote on this matter, and when we have enough Senators in the Chamber, we can ask for yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. ALLOTT. If they have been ordered, Mr. President, I think we should have a short quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. If it is agreeable to the chairman of the committee, the manager of the bill, I am willing to yield back the remainder of my time, if he is willing to yield back his, and we can then proceed, the yeas and nays having been ordered, to vote on amendment No. 430.

Mr. STENNIS. Mr. President, if there is no one who wishes time, I am ready to yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENTSEN). All remaining time having been yielded back, the question is on agreeing to the amendment No. 430 of the Senator from Colorado, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. MAGNUSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLYINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I also announce that the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. TALMADGE) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from Connecticut (Mr. RIBICOFF)

(Mr. MCINTYRE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Utah (Mr. BENNETT) is absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 4, as follows:

[No. 247 Leg.]

YEAS—65

Alken	Fannin	Nelson
Allan	Fong	Packwood
Allott	Gambrell	Pastore
Anderson	Goldwater	Pearson
Baker	Gurney	Pell
Bayh	Hansen	Proxmire
Beall	Harris	Randolph
Bentsen	Hatfield	Roth
Bible	Iruska	Saxbe
Boogs	Hughes	Schweiker
Brooke	Inouye	Scott
Buckley	Jackson	Spong
Byrd, Va.	Jordan, N.C.	Stafford
Case	Jordan, Idaho	Stennis
Chiles	Mansfield	Stevens
Cook	Mathias	Symington
Cooper	McClellan	Taft
Cranston	McGovern	Thurmond
Curtis	Metcalf	Tunney
Dominick	Miller	Williams
Flender	Moss	Young
Ervin	Muskie	

NAYS—4

Fulbright	Smith	Stevenson
Kennedy		
NOT VOTING—31		
Bellmon	Gravel	Mondale
Bennett	Griffin	Montoya
Brock	Hart	Mundt
Burdick	Hartke	Percey
Byrd, W. Va.	Hollings	Ribicoff
Cannon	Humphrey	Sparkman
Church	Javits	Talmadge
Cotton	Long	Tower
Dole	Magnuson	Welcker
Eagleton	McGee	
Eastland	McIntyre	

So Mr. ALLOTT's amendment (No. 430) was agreed to.

Mr. DOLE subsequently said: Mr. President, this morning I was unavoidably detained in returning to Washington from Kansas and narrowly missed the rollcall on the amendment sponsored by the distinguished senior Senator from Colorado (Mr. ALLOTT). Had I been present it would have been my privilege to join with the overwhelming majority of my colleagues in approving the Senator from Colorado's proposal to provide substantial pay increases to members of the armed services. Having voted in favor of

the earlier, Senate-passed version of the pay increase, I was gratified that Senate approval of this measure was achieved today.

It is important to keep in mind that raising military pay scales is a matter of high national priority for two very crucial reasons. First, by increasing the pay of our men and women in uniform we fulfill an obligation to recognize and reward the contributions they are making to the maintenance of our national defense. In many cases their pay is woefully inadequate and totally unjustified in terms of the responsibilities they bear and the obligations they owe to themselves and their families. And second, by putting military pay in closer competition with civilian wages we take a significant step toward ending the draft and creating an all-volunteer military force. For, only by making a military career attractive and secure monetarily, can we hope to draw to it the type of individuals needed to fulfill the requirements of modern national defense.

I commend the Senator from Colorado for his leadership in seeking to upgrade the pay scales of the Armed Forces and for his longstanding concern and devotion to the men and women who wear the uniform of the United States so proudly and with such great distinction to themselves and their Nation.

ORDER FOR STAR PRINT OF S. 2620

Mr. MOSS. Mr. President, I ask unanimous consent that a star print be ordered for S. 2620, the East-West Trade Exchange Act of 1971, introduced by the Senator from Washington (Mr. MAGNUSON) on Thursday, September 30, 1971. Due to an inadvertence, an incorrect text was attached when the bill was introduced for referral.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8637) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 434

The PRESIDING OFFICER (Mr. STEVENSON). Pursuant to the previous order, the Senate will now proceed to the consideration of amendment No. 434 by the Senator from Missouri (Mr. SYMINGTON), which the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. SYMINGTON) proposes amendment No. 434 as follows:

At the end of the bill add a new section as follows:

"Sec. 505. (a) Notwithstanding any other provision of law, no funds authorized to be

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

Entered on 28, 1971

STATINTL

guards do not venture at night. Beatings, deaths, and suicides are frequent in the dormitories. Rape, robbery, and homosexuality are rampant, as marauding gangs and individuals pillage the dormitories and terrorize their fellow inmates.

Many prisoners would deeply understand the vivid description of penal life provided by the Russian novelist Dostoevsky, whose book "The House of the Dead," describes his devastating ordeal while imprisoned in Siberia.

If he died and awoke in hell, Dostoevsky reasoned, he would expect it to be no worse than life in prison. On his last night in jail, walking beside the fence that had confined him for 4 years, Dostoevsky concluded that on the whole the men there were no better and no worse than people generally. Among them were exceptionally strong and gifted people. The waste of their lives was an intolerable cruelty. From his experience in prison he defined man as "a creature that can become accustomed to anything."

We in America spend more than \$1 billion a year maintaining our archaic prison system. Ninety-five percent of all expenditures in the entire field of corrections in the United States goes for custody—iron bars, stone walls and guards—while only 5 percent goes for hope—health services, education, and developing employment skills.

As a consequence of the high rate of recidivism, the American taxpayer is grossly shortchanged in the investment of his tax dollar aimed at achieving criminal rehabilitation. In fact, if a private business had as poor a percentage of success and as high a level of cost as does our prison system, it would have difficulty surviving its first shareholders' meeting.

The American Correctional Association has estimated that it takes \$11,000 a year to keep a married man in prison. This figure is based on the inmate's loss of earnings, the cost of keeping him in prison—\$10.24 a day in Federal prisons and \$5.24 a day in State prisons—the cost to the taxpayer if his family has to go on relief and the loss of taxes he would pay.

Medical and dental facilities are sadly lacking in prisons. The result is that many prisoners lose their sense of dignity by being forced to live with debilitating physical problems. For example, many prisoners are badly in need of dental work, but few receive adequate attention in prison. Personalities are shaped by such factors as the loss of teeth. The lack of the most fundamental medical services is a significant part of the dehumanizing daily existence of prison life that results in brutalization.

Our prison system also suffers from a staggering need for increased psychiatric and educational personnel. There are only 50 full-time psychiatrists for all American prisons, 15 of them in Federal institutions which hold only 4 percent of all prisoners. In adult penal institutions, there is only one teacher available for every 150 inmates, although fewer than 5 percent of the inmates of Federal institutions function at a 12th-grade level, and one psychologist for every 1,200 prisoners.

The acute lack of psychiatric and psychological personnel is particularly deplorable as studies have shown that most prisoners suffer from mental disturbances at the time they committed their crime.

Many ex-convicts revert to a life of crime because they have not received job training that would assist them in obtaining employment in the outside world. License plate and mop bucket manufacturing are two examples of prison vocations that bear little relation to potential jobs in private industry. Eighty-five percent of the inmates of Federal penal institutions lack any marketable skill when they leave prison.

Although much attention has been focused on the condition of our Federal and State prisons, a recent census of 4,037 local and county jails, conducted by the Law Enforcement Assistance Administration, revealed many problems that plague these institutions. Eighty-six percent of the county institutions or jails located in cities of 25,000 or greater population had no facilities whatsoever for exercise or recreation. Eighty percent lacked educational programs, while 26 percent were without visiting facilities. About 50 percent had no medical services. About 1.5 percent lacked toilets. In addition, 19,000 of the 98,000 cells in those jails were between 51 and 100 years old, and 5,416 of the cells were more than a century old.

The same survey also revealed that 52 percent of all inmates in city and county jails were held for reasons other than conviction of a crime. Almost all the inmates in this category were awaiting trial, many of them unable to raise the bail necessary for their release. The result is that prisoners who have not come to trial must sit idly, waiting months on end with no constructive activity available to them. During this purgatorial period of enforced idleness, they mingle with convicted criminals, often assimilating their views and lifestyles.

We have drawn an iron curtain in our minds, shutting out from our awareness the daily tragedy of life in America's prisons. Except when there are prison riots such as occurred at Attica, jail breaks or scandals, little thought, attention or concern is given to our correctional institutions and their inmates. It is time to recognize that repression is an inadequate substitute for rehabilitation. It is time the American people realized that punishment alone does not bring correction. We must awaken to the fact that the present system of criminal justice, in the words of the President's Violence Commission, "does not deter, does not detect, does not convict, does not correct."

It is not for humanitarian reasons alone that we must reform our corrections system. It is for our own safety. We have never faced up to the facts that most convicts will some day be released from the hellholes we call correctional institutions. They come out, as we have seen, more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in.

Accordingly, if we are to break the vicious circle of recidivism, we will need to

revolutionize our corrections program.

Twenty-five hundred years ago, the ancient Chinese philosopher Confucius wrote:

A journey of a thousand miles must begin with a single step.

An important initial step toward improving our detention centers would be the creation of a House Select Committee on Penal Reform. It is my earnest hope that Members of the House will give swift attention to this vitally needed measure and will join with me in calling for the establishment of such a Select Committee.

JOINT COMMITTEE ON NATIONAL SECURITY

THE SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

MR. HAMILTON. Mr. Speaker, we in Congress worry too much about the role of Congress in foreign affairs, and not enough about its competence. When that competence is achieved, the present imbalance between the executive and legislative branches will be improved, if not corrected.

One important way the competence of the Congress in foreign affairs can be improved is through the creation of a Joint Committee on National Security.

I have introduced legislation, H.R. 10899, to create such a committee. The same legislation has been introduced in the Senate by Senator HUMPHREY.

This joint committee would function in the national security field in a manner comparable to the operation of the Joint Economic Committee in the field of economics. Just as the Joint Economic Committee examines the annual economic report of the President, the Joint Committee on National Security could study and analyze the annual foreign policy messages of the President and the Secretary of State.

The Joint Economic Committee has become a respected forum for examining economic issues, and its recommendations have a substantial impact on the development of economic policy. The joint committee I propose could have the same impact on our national security policy.

Just as the Joint Economic Committee unifies the otherwise fragmented voice of Congress on economic policy, the Joint Committee on National Security would channel congressional opinion on foreign policy. It has been estimated that more than half of the 38 standing committees on Congress are involved in some aspect of our foreign policy. As a result, there is no way of knowing what the Congress thinks about a particular international issue. This joint committee will offer a centralized voice.

Its main responsibilities would be these:

First, to study and make recommendations on all issues concerning national security.

Second, to review, study and evaluate the Pentagon Papers and other documents covering U.S. involvement in Vietnam.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

BALTIMORE MD Approved For Release 2001/03/04

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M - 164,621

E - 189,871

S - 323,624

SEP 27 1971

DOVES AWAITS AID MEASURE

Senators Likely To Use Bill For Policy Amendments

By GENE OISHT

Washington Bureau of The Sun

Washington — When Congress sent the draft bill to the White House last week Senate doves lost what seemed to be an ideal vehicle for foreign policy amendments, but an even better one is on its way: foreign aid.

The Senate Foreign Relations Committee has the foreign aid bill bottled up for the moment because of a fight with the administration over information, but Senator J. William Fulbright (D., Ark.), the chairman, has said the panel will report out a bill eventually.

"Christmas Tree" Bill

When it does come out, however, the expectation is that there will be a number of "hookers" in it, possibly even an amendment to cut off funds for the war in Vietnam. In any case, committee sources acknowledge that the foreign aid bill will be a "Christmas tree," ornamented with amendments to affect foreign policy and to increase congressional influence in the field.

The administration considers the foreign aid bill vital, particularly the portions affecting Southeast Asia. The \$3.3 billion authorization bill contains \$565 million for Vietnam and \$201 million for Cambodia, Laos and Thailand in economic supporting assistance. It contains an additional \$200 million in military aid for Cambodia (military aid to Vietnam, Laos and Thailand is contained in the Defense budget).

But there is growing opposition to foreign aid in Congress and many members—including both liberals and conservatives—would not be adverse to seeing the entire program terminated. Thus the Senate—more loaded with foreign policy activists than the House—could prevent the House and the administra-

take-it-or-leave-it basis.

The bill to extend the draft gave Senate liberals a similar, though weaker, strategic position.

At least 30 senators were willing to suspend the draft and to hold the bill as hostage for a strong anti-war national policy, including a nine-month deadline for total U.S. withdrawal from Indochina.

They held up the draft bill for 2½ months after the selective service law expired, but finally lost the fight in the face of intensive pressure put on by the administration, which asserted that the Senate was jeopardizing national security.

It is doubtful that the administration can exert as much pressure in behalf of foreign aid. President Nixon, himself, de-emphasized foreign aid when he included in his latest economic recovery package a 10 per cent cut in the program.

Public opinion polls have shown that this cut in foreign aid was the most popular of the steps taken by the President. Thus there is not likely to be any backlash from delaying action on a foreign aid bill.

Those contemplating ornaments for the foreign aid bill include the McGovern-Hatfield forces, who favor cutting off funds for the Vietnam war at a certain time, even though the Senate has already rejected the funds cut-off approach on several occasions.

Senator Mike Mansfield (D., Mont.), the majority leader, has said he intended to reintroduce an amendment to force a reduction in the U.S. troop level in Europe. He failed in his attempt to attach such a rider to the draft bill, but in view of the increasing deterioration of the U.S. economic position in the world, Mr. Mansfield has indicated he will try again.

While the majority leader is leaving his options open, the most obvious vehicle for a troop-cut amendment seems to be the foreign aid bill.

Besides the majority leader, Senator Fulbright, the chairman of the Foreign Relations Committee, also has his irons in the fire.

For example, he will try in committee to amend the foreign aid bill to require annual authorization for the State Department budget as well as that for the United States Informa-

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Floating Around

Other foreign policy proposals are floating around Congress and could eventually find a home in the foreign aid bill. They include legislation to restrict the President's war-making powers, to require publication of the total CIA budget, to ban the CIA from engaging in military operations, to make CIA intelligence data available to Congress and to place a ceiling on U.S. expenditures in Laos.

While these proposals are not directly related to foreign aid, the Senate does not usually balk at attaching riders to bills simply because they are unrelated to the subject matter.

PATERSON, N.J.

NEWS SEP 14 1971

E - 49,251

Executive Privilege

Executive privilege — the President's asserted right to withhold information from Congress — is firmly established in precedent if not law. George Washington was the first Chief Executive to invoke the privilege, in 1796, and at least 17 of his successors have done so. President Nixon is the latest.

Nixon's hand was forced when the Senate Foreign Relations Committee voted to suspend all foreign military aid unless the Defense Department turned over its five-year plan for the program. The committee acted under authority of the Foreign Assistance Act of 1961, which provides that any congressional panel dealing with foreign aid can demand from the executive branch any pertinent "document, paper, communication, audit, review, finding, recommendation, report or other material."

Unless the executive agency provides the requested materials within 35 days, the act further specifies, funds for the portion of the program at issue would automatically be stopped. However, the provision to cut off funds would not take effect if the President certified that he had forbidden the agency to comply with the request and gave his reasons for doing so. Accordingly, Nixon entered a claim of executive privilege hours before the 35-day aid-cutoff deadline.

In explaining his action, the President said "it would not be in the public interest" to provide the committee with the material it sought. Other Presidents have offered the same justification. Grover Cleveland, for example, asserted in 1886 that "the public interest would not be promoted" by furnishing the Senate Judiciary Committee with information on dismissal of Republican officeholders.

The most serious clash between the White House and Capitol Hill over executive privilege occurred in 1948, when President Truman issued a directive barring disclosure of any loyalty files to Congress. The House thereupon approved a bill "directing all executive departments and agencies...to make available to...all...committees of the House...and the

Senate, information which may be deemed necessary to enable them to properly perform the duties delegated to them by Congress." The bill never reached the floor of the Senate.

In a sense, executive privilege contributed to the downfall of the late Sen. Joseph R. McCarthy (R-Wis.). During the 1954 Army-McCarthy hearings the senator sought information on a private meeting between Attorney General Herbert Brownell Jr. and Army Counsel John Adams. President Eisenhower proceeded to forbid any testimony on the meeting. When McCarthy persisted, Brownell sharply reminded him that responsibility for enforcement of federal law rested in the executive branch and could not "be usurped by an individual who may seek to set himself above the laws of our land."

The question of executive privilege forms only a part of the wider debate on secrecy in government. Publication of the Pentagon Papers gave rise to demands from the public and the press for reform of classification procedures. President Nixon has indicated he will initiate such reforms.

Meanwhile, more than a dozen bills aimed at bringing the Central Intelligence Agency under greater legislative control have been introduced in the House and the Senate. And the Senate Foreign Relations Committee acknowledged this year for the first time that Radio Free Europe and Radio Liberty had been subsidized by the CIA. Congress is demonstrating anew the wide range of legislative privilege.

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Approved For Release 2001/03/04 : CIA-RDP80-O1601R000200010001-1

M - 966,293

S - 1,246,870

STATINTL

Pressure Mounting to Crack Walls of Secrecy in the Executive Branch

BY D. J. R. BRUCKNER

NEW YORK.—There may be nothing more behind the Administration's mania for secrecy than the President's love of surprises. You can hold control in politics by keeping the audience in suspense, and the White House is a tempting stage.

In light of what has happened in the last year it is not entirely unfair to call the concern over secrecy a mania. A confrontation between President and Congress over public information was building up long before the newspapers printed the Pentagon papers. Would those papers have been published at all, if they had been sent up to Congress when they were requested a year ago? But now, when the FBI runs around giving lie detector tests throughout the government, and security clearances for defense contractors are canceled wholesale following publication of the Pentagon papers, you sense something like panic at the top.

As Congress resumes work, the Senate has in committee a number of bills to require disclosure of information by the executive branch and congressional participation in foreign policy decisions. There are four proposed bills to limit presidential war-making powers, all involving full disclosure of essential information. Just before the August recess began, GOP leaders of House and Senate endorsed the general thinking in these proposals, which should have alerted the White House to the temper of Congress.

Sen. Cooper Sponsoring Bill to Require Regular CIA Reports

Also, Sen. Sam Ervin (D-N.C.) is holding hearings on a proposal to limit the use of executive privilege as a means of avoiding questioning or disclosure. And Sen. John Sherman Cooper (R-Ky.) has a bill to require regular reports to Congress by the Central Intelligence Agency. In the odd ways of politics, the CIA bill could eventually be the hardest for the White House to handle; it is simple, but it touches on many areas of secret government operations. One recalls that former President Harry S Truman wrote a plea on the front page of the Washington Post eight years ago for stricter discipline over the CIA and a curtailing of its functions. It was published a month after the murder of President John F. Kennedy, and thus had little attention; but it is being remembered. My "Front Page" created the CIA.

walls come down. There is no mystery about that, except the mystery of human nature and personal dignity.

Congress may not have much stomach for it, but it is in a fundamental fight. Secrecy in one branch of government is essentially repugnant to the exercise of constitutional authority by other branches which have legitimate, defined roles in policy and operations.

Congress could help itself considerably by setting up a general staff to coordinate its pressure of hearings should be kept up and overall understanding and oversight of the executive. But, in the long run, it will also have to force open a lot of doors and push it way into secret places where decisions are

made. One never expects Congress to move so far on its initiative, but just now it is being produced dissension within the Pentagon pushed hard by an insensitive executive and in the defense industries. The surprise branch that loves surprises and loathes being surprised. trip of presidential adviser Henry Kissinger to Peking is not a public relations coup in the Senate Foreign Relations Committee, which has never been able to persuade Kissinger to testify about anything, and which cannot now persuade him to testify about his trip or about Mr. Nixon's proposed trip to China. Committee members are not even being given much substantive information privately.

Last month, the FBI ranged through the government with polygraphs trying to trace the source of a news leak about arms talks proposals that had been outlined in secret papers the Administration's own security system did not protect; they were passed around in duplicate and triplicate in two departments. So, why the FBI probe? Secretary of State Rogers on Sept. 8 called the news leak a kind of "ooze" of information, adding: "Now, we want to stop that, you see. And I think the fact that this investigation has been conducted all over the government, not just in the State Department, will have that effect." That is why: intimidation.

Committee Asked to See a Secret Military Aid Plan

Then, too, the Foreign Relations Committee asked to see a secret five-year military aid plan, preliminary to its approval of a two-year military aid bill. Defense Secretary Laird said there was no such plan. But at least one member of the committee knew there was, and knew it in some detail. Finally the President invoked executive privilege against its disclosure. To the Senate, it must seem that the principle operating here is "lie first, deny later." There is a sense of injury and insult in the Senate, and it is spreading to the House.

It is a safe guess that unauthorized disclosure of secrets will increase now, no matter what Congress does. The internal security efforts of the Administration amount to a man." Once such a principle is clearly understood in a large government, the security

STATINTL

CHICAGO, ILL.
SUN-TIMES

M - 536,108
S - 709,123

SEP 6 1971

Info a corner?

President Nixon, in refusing to allow a Senate committee to inspect long-term foreign military aid plans, may have painted himself into a corner.

The Senate Foreign Relations Committee, which is in a powerful position, voted in July to suspend all such aid unless the Pentagon discloses its five-year plan.

Mr. Nixon's answer last week was to claim executive privilege, stating that such disclosure was "not in the national interest." There is nothing new in this. President Washington declined in 1796 to give Congress his letters on a treaty with Britain, and at least 17 other Presidents have followed his lead.

For a generation now, the Pentagon—and the White House—have generally been able, through the niention

of "national security" to get what they want. But over the last two years, the Congress, particularly the Senate, has been resisting the Daddy-knows-best argument from the White House.

The arms-aid bill is not the only one which could run into trouble as Congress reconvenes. There is a bill calling for Congress to be cut in on the secrets of the Central Intelligence Agency and another limiting the war powers of the President. Both have impressive support.

The Congress is obviously trying to regain some of the powers it has abdicated in 25 years, and Mr. Nixon may find the tide is running against him if he tries to exercise too much dominance over Capitol Hill, as in refusing the request for arms-aid plans.

DENVER, COLO.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1
AUG 25 1974

E - 252,198
S - 344,155

THE POST'S OPINION

STATINTL

Congress Needs CIA Information To Maintain Vital Safeguards

IN A WAY CONGRESS has only itself to blame if it often finds itself without all the intelligence information it needs when considering policy matters and threats to peace in various parts of the world.

The executive department, frustrated congressmen have been complaining with increasing frequency, has access to much more information than it is willing to share with the lawmakers.

Several hearings and at least one executive session of the Senate have been held recently to air charges that agencies dealing with defense and security have balked congressional efforts to find out about such things as our use of Thai mercenaries in the war in Laos and our bombing of Communist forces in northern Laos.

One key to the information gap may be the fact that when Congress passed the National Security Act of 1947, setting up the Central Intelligence Agency, it

required CIA to report to the National Security Council and the President -- but not to Congress.

As a result of that omission, Congress frequently has had trouble getting any information from CIA. In practice, it gets only such facts as the executive department is willing to let it have.

Consequently, congressmen, with perhaps one or two exceptions, don't even know how much money they are appropriating for the CIA, what that money is used for or just why it is so used.

The CIA appropriations are carefully concealed in various parts of the overall budget.

Objecting to this condition recently, Sen. William V. Roth Jr., R-Del., explained, "Proper disclosure (of what CIA is doing) to appropriate committees is a vital safeguard against government adoption of positions and policies of unknown and potentially dangerous implications."

"Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is in fact in the possession of the Executive."

To cure the shortage of information available to Congress, Sen. John Sherman Cooper, R-Ky., has introduced a simple bill which is supported by Senate Majority Leader Mike Mansfield, D-Mont., and others.

It would require the CIA, as a matter of law, to furnish individual congressmen, upon request and through the armed services and foreign relations committees, intelligence information and the CIA's appraisal of such information.

THE COMMITTEES would be responsible for seeing that such information was adequately protected from secrecy leaks.

It has been pointed out that the arrangement whereby the Atomic Energy Commission keeps a joint House-Senate committee fully informed regarding its activities has worked with complete satisfaction.

Congressional need for full access to all information available to the executive department through CIA has been adequately demonstrated by now, we believe.

At present imbalance of knowledge, it should be enacted -- the sooner the better.

MILWAUKEE, WISC.
JOURNAL

E - 359,036
S - 537,875

AUG 10 1971

Controls Over the CIA

Congress created the Central Intelligence Agency in 1947 and has funded it ever since. The CIA has little obligation to tell its parent what it's up to. It has been involved in clandestine activities over the world, sometimes in opposition to the nation's stated foreign policy. It has involved us with unsavory leadership of some nations and in plots that the State Department was never consulted about. It has even misled presidents.

The CIA does report what it thinks advisable — which isn't much — to certain select congressional bodies. But it has no requirement to do more than a perfunctory job of it.

There are now several proposals in the Senate to correct this situation. Sen. Cooper (R-Ky.) would require the CIA to make regular and special reports to select congressional committees, much as the sensitive Atomic Energy Commission does. Sen. Case (R-N.J.) wants to force the CIA to get congressional permission to use funds for aiding foreign troops in Laos and other places. Sen. McGovern (D-S.D.) wants the CIA's budget to appear as a line item in the general budget instead of being hidden, as it is now, in the budgets of other agencies.

These seem simple and logical controls over a government agency. It is basic to a democratic system that there be such controls.

DETROIT, MICH.

NEWS

Approved For Release 2001
STATUTE

E - 592,616

S - 827,086

AUG 8

CIA losing its veil of secrecy

By GEORGE KENTERA

News Washington Bureau

WASHINGTON—Since it opened in the late 1950's, the headquarters of the super-secret Central Intelligence Agency (CIA) in nearby Virginia has been screened from public view by a border of woodland.

That screen is soon to be lost. The land is to be developed by the National Park Service for camping, hiking and picnicking. And even as CIA headquarters itself becomes more visible, an effort is beginning in Congress to open a window on the CIA activities within the building. These developments on Capitol Hill point up the efforts:

The troubled reaction of some Senate members to the disclosure last week that the CIA and the United States were more deeply involved in a clandestine military action in Laos than was heretofore publicly known or believed.

The appointment of an anti-war Michigan congressman, Rep. Lucien N. Nedzi, Detroit Democrat, the chairmanship of a special House subcommittee on intelligence, and his hope of staging open hearings on the CIA.

Action in Congress, already halfway through the legislative process, to put a halt to secret CIA financing of Radio Free Europe and Radio Liberty, which beam news behind the Iron Curtain.

NO MEMBER OF CONGRESS asks that the operations of the intelligence agency headed by Richard Helms be an open book. But some members are miffed about the unwillingness of the executive branch to share more information with Congress and the CIA is part of the irritant.

Helms himself recognizes this situation. In dealing with it, he went so far last April as to make a public speech, his first as CIA director, outlining his views.

He firmly denied that his agency was a law unto itself or an invisible government, "engaged in provocative covert activities repugnant to a democratic society and subject to no controls."

The CIA is directly responsible to the National Security Council. But the agency long has contended that it is responsive to Congress as well because of its briefings to an informal group composed of some members of the Armed Services and Appropriations committees.

In his public speech here to members of the American Society of Newspaper Editors, Director Helms argued that this informal congressional group is "told more about our activities and our operations than is known to most of the personnel in our highly compartmented organization."

He added, "But how, in the end, we are to be supervised is for Congress itself to decide."



REP. LUCIEN NEDZI

However, some members of Congress do not feel, despite the informed briefings, that procedures exist that make the CIA at least partially accountable to Congress.

NEDZI SAID THE OTHER DAY, "My feeling is that the old subcommittee (the informal group) served more as a vehicle for the Chief Executive, to enable him to say he had consulted and advised Congress. But I'm not aware that there has been any congressional oversight of the CIA . . . I think it important that the window be opened a bit."

He said later, "Everybody appreciates that elements of restraint are involved. The difficulty is in drawing that line between the national security and public disclosure."

The effort to focus more attention on the CIA is part of a trend in recent years toward more public disclosure by the Congress.

This trend has seen public reporting of congressmen's net worth and income, liberalized rules in House and Senate, the adoption of recorded teller votes in the House, reform of campaign spending and reporting of that spending, and a move toward more open hearings of congressional committees.

Publication of a Senate Foreign Relations Committee staff report on Laos last week indicated that CIA-supervised troops numbering more than 30,000 were actually bearing the brunt of the combat against the enemy in Laos.

IT BECAME KNOWN last week that the report had led Senate Majority Leader Mike Mansfield, Montana Democrat, to call an extraordinary secret session of the Senate June 7.

A transcript of that session was placed in the Congressional Record last Wednesday and it showed that the Nixon administration was accused of withholding information and misleading Congress about growing American involvement in the Laotian war.

Senator Stuart Symington, Missouri Democrat, told the Senate that U.S. military assistance to Laos had trebled since 1967 and was now 25 times as great as when it began in 1963.

"We have been appropriating money for this war in the blind," he said.

As for Nedzi, he said the Laotian disclosures suggest "there may be a need for legislation in this area, to restrain the CIA from becoming involved in this kind of thing."

"I can understand how it happened," he said, "but I can't justify in my own mind how it happened without Congress being aware of it."

As for Radio Free Europe, which broadcasts to Eastern Europe, and Radio Liberty, which broadcasts to Russia, the Senate has approved legislation providing \$35 million in fiscal 1972 for "open funding" of the stations, thereby eliminating, if the bill passes the House, funding by the CIA.

"The Senate has clearly shown," said Senator Clifford P. Case, New Jersey Republican and the bill's sponsor, that it will no longer abdicate its responsibilities in allowing the executive branch to pay out \$35 million a year (to the stations) without congressional authorization."

For 20 years the payments were made by the CIA.

WILMINGTON, DELA.
NEWSAUG 7 1978
M - 44,027

STATINTL

Roth urges CIA tell all

U.S. Sen. William V. Roth Jr., R-Del., has cosponsored a bill to force the CIA to comply with any congressmen's request for intelligence reports.

Roth also endorsed yesterday a resolution that would give a President who committed U.S. military forces in a combat situation 30 days in which to present his reasons to Congress for the members' concurrence or rejection.

Under the CIA bill, which Roth cosponsored with Sen. John Sherman Cooper, R-Ky., the intelligence reports would be provided to the committees in either house dealing with armed services or foreign affairs. These committees would be responsible for maintaining security of the documents.

IN a Senate speech yesterday, Roth said CIA reports have been available on a limited basis to Congress but "this has been done only at the pleasure of the executive, and the veil of secrecy has been extended to cover too much that is necessary to make legislative decisions of

great substantive importance to the American people.

"Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is, in fact, in the possession of the executive."

AS to the war powers resolution, sponsored by Sens. John Stennis, D-Miss., and Mike Mansfield, D-Mont., Roth noted that Congress has not declared war since the start of World War II, "despite the many conflicts and near conflicts we have engaged in."

He said the 30-day period is "long enough to avert a disaster, but short enough so that if a full-scale war is to be begun, the Congress too will be required to authorize it."

The whole question of the respective roles of Congress and the President in warmaking has too long been shoved aside by A clear, final decision is needed on the constitutional question at a time when volatile and dangerous situations exist in many parts of the world, he said.

Approved For Release 2001/03/04 : CIA-RDP80-01601R

August 6, 1971.

trated in a handful of locations, to the complete neglect of the rest of the nation. Neither of these are responsible alternatives, and I respectfully urge you to reject them both by increasing the allocations provided by this legislation.

I would like to make two final comments which are peripheral to the actual drug treatment programs, but which are so important that they cannot be ignored. The first is that research in drug control is vital, more so now than ever. With a crushing problem confronting us on a daily basis, it is easy to overlook or forget the need and long-range benefits of research programs. And yet perhaps no effort is more urgently needed than full-scale medical investigations of the physiological and psychological impact of drug abuse. I strongly urge that this important research not be delayed another day, least of all for want of adequate budget allocations.

Finally, I alluded earlier in my testimony to what I consider to be a disastrous plan to phase-out the NIMH Psychiatry Training Program completely over the next three years. This cut will mean a significant decrease in the number of psychiatric residency slots currently available. Fewer residencies will mean fewer psychiatrists. Fewer psychiatrists will mean an even more critical shortage of trained personnel to staff drug treatment centers. Here, perhaps as nowhere else in this budget, it is possible to see how closely related are all of these programs. Taken alone, the cutbacks in the Psychiatry Training Program seem ill-advised; when viewed against the need for competent drug treatment personnel, it appears to be nothing short of nonsensical.

To combat the drug abuse problem that haunts our playgrounds, our parks, our suburbs, our high schools, our cities, we must give our full support—financial as well as moral—to a full-scale, comprehensive Medical program.

THE WARMAKING POWERS OF CONGRESS

Mr. ROTH. Mr. President, as the United States continues to extricate itself from the land war in which we became involved in Southeast Asia during the decade of the 1960's, many of us in Congress, as well as many private individuals have begun to give increasing attention to the vital question of the role of Congress in the decisionmaking process which led to that involvement.

This question, it seems to me, breaks into two equally important parts: one deals with the warmaking powers of Congress and the other with the problem of providing adequate information to Congress in order that it may intelligently deal with the substantial questions of war and peace on which we are expected to act.

It is because of my deep concern that the legislative branch of the Government regain its constitutional status of coequality with the executive branch in the matter of decisionmaking that I am pleased to join the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senators from Mississippi (Mr. STENNIS) and Montana (Mr. MANSFIELD) in sponsoring legislation pertaining to these areas.

The Cooper bill (S. 2224) is a direct outgrowth of the discussion and self-reflection which the publication of the so-called "Pentagon papers" stimulated earlier this summer. The revelations of

those previously classified documents and the historic decision of the Supreme Court permitting their publication have engendered debate on topics of vital concern and lasting importance to the Congress.

The essential issue here, of course, is the problem of providing information to Congress. Complete and accurate information from all available sources, should be accessible to the Congress. As matters now stand, Congress is sometimes denied access to current intelligence information compiled by the CIA and the intelligence community.

The Senator from Kentucky (Mr. COOPER) has presented a timely and constructive bill that will make such intelligence information available to the Congress just as it is already available to the Executive. His proposal, which I was pleased to cosponsor amends the National Security Act of 1947 by adding a section requiring the Central Intelligence Agency to provide individual Members of Congress, upon request, through the Committees on Armed Services and Foreign Affairs of the House of Representatives, and the Committees on Armed Services and Foreign Relations of the Senate, intelligence information and CIA's analysis thereof. The security of and access to the information provided to the Congress would be the responsibility of the committees, who would institute the necessary measures to provide clearances, secure areas, documents control, and so forth.

The National Security Act of 1947 does not specifically bar intelligence information from Congress, but neither does it provide for the dissemination of such information. This proposal makes intelligence information available to the proper committees as a matter of law. If the Congress is to fulfill its constitutional responsibilities in the formulation of foreign policy and national security policy, it must have available intelligence facts and their analysis. Although the Central Intelligence Agency has often provided such information to certain committees and Members of Congress in the past, this has been done only at the pleasure of the Executive, and the veil of secrecy has been extended to cover too much that is necessary to make legislative decisions of great substantive importance to the American people. Proper disclosure to appropriate committees is a vital safeguard against Government adoption of positions and policies of unknown and potentially dangerous implications. Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is in fact in the possession of the Executive.

Adoption of this proposal, S. 2224, will make available to Congress information absolutely essential if we are to fulfill our obligation to the people of this country. It will strengthen the balance of responsibility between the Executive and the legislature by promoting trust and reasoned judgment on matters relating to the national interest.

The second proposal—the Stennis-Mansfield resolution, Senate Joint Reso-

lution 95—is a reasoned and reasonable response to the other facet of the problem which I referred to earlier, namely the congressional responsibility in the warmaking process.

Senate Joint Resolution 95 does not in any way attempt to fix responsibility for the present tragedy in Southeast Asia on either the Democrats or the Republicans.

Instead, Senate Joint Resolution 95 attacks the heart of the whole 1971 problem. The fact that Congress has not declared war since the Second World War ended in 1945, despite the many conflicts and near conflicts we have engaged in, raises the question of who has the power to begin the wars we fight. Senate Joint Resolution 95 is not an attempt to rewrite the Constitution. The Constitution lodges in the Congress the power to declare war, and throughout our history the Congress has been recognized as the only branch which could declare wars. This power to declare war is not outmoded simply because we have grown from an America composed of Thirteen Colonies and separated from the rest of the world by an impenetrable sea barrier to an international leader, or which is outdated by modern warfare. As Senator STENNIS stated when introducing this resolution.

I remember I was standing at the desk which is behind me now when the news came into this Chamber that troops had been ordered to land in Korea. I knew that this was the first time in our history a deliberate decision had been made to land troops, an army, in a war against another nation without a declaration of war by the Congress of the United States.

Senate Joint Resolution 95 is an attempt to delineate more clearly the war powers of the executive and the legislative branches. At the same time, it would insure that the decision to go to war, a decision too massive and too important to be decided by one man, would again become the collective judgment of the President and the elected representatives of the American people. The resolution guards the powers of the President and the security of the Nation by outlining very carefully those emergency situations in which the President may commit American troops to combat abroad. At the same time, the resolution safeguards the right of the Congress to declare war by placing a time limit on this commitment of troops. The time limit, 30 days, is long enough to avert a disaster, but short enough so that if a full-scale war is to be begun, the Congress too will be required to authorize it.

Finally, in placing this resolution before the Congress, Senator STENNIS has made a significant contribution to what ought to be a long, serious discussion, and a protracted study, by the Senate, the Congress, and in fact, the whole Nation, in what the future role of the Congress and the President ought to be in the declaration of war. It is a study which the Congress has long shied aside, and which has not been resolved satisfactorily in the entire history of our Nation. The possibilities for total annihilation today, and the volatile and dangerous situation of the world today

August 6 Approved For Release 2001/03/04 : CIA-RDP80-01601

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be respected in any incomes policy. However, the evolution (or the failure to evolve) of the guideposts placed too much stress on economic rationality as opposed to workability and acceptance. For example, it was no doubt a mistake to have continued to insist on guideposts which were consistent only with complete stability of the price level at a time when prices had already begun to rise more than nominally.

3. The guideposts—or, more broadly, the intervention through public and private persuasion—had a noticeable and useful impact, on wages and prices, even during the period 1966-68 when demand-management policy was inappropriate and highly inflationary. There was (in this writer's judgment) no damage to the allocation of resources, nor appreciable inequity—both of which were frequently charged.

4. Locating the administration of the guideposts and related interventions primarily in the Council of Economic Advisers was not ideal. To be sure, since the policy was voluntary, it benefited from a close association with the prestige of the Presidency and from the President's personal intervention at a few crucial points. Neither the Secretary of Labor nor of Commerce would have been a suitable administrator, given his office, and, in any case, the incumbents during most of the period were not supporters of the policy. A merger of the two Departments, or the Cabinet reorganization proposed by President Nixon, would provide a more suitable office in the future.

5. Given the seriousness of the problem and the inherent limitations of a purely voluntary policy, the author favours the establishment, by legislation, of a Price-Wage Review Board, with limited powers (a) to require prior notice of wage and price changes, (b) to suspend such changes for a limited period, (c) to investigate them (including power to compel testimony), and (d) to report to the public with recommendations. The Board should be authorized to study and recommend—and possibly even be given limited powers of control—with respect to certain features of price-setting or of wage contracts (e.g., the conditions under which escalator clauses could be used), or to certain trade or employment practices that tended to raise costs or reduce competition. It would not, however, have power ultimately to limit or control any price or wage.

6. The President (but not the Wage-Price Review Board) should have at all times standby authority for the compulsory control of wages and prices, wholly or in any part, with the requirement that any use of this authority be reviewed by the Congress under a procedure which would permit a Congressional veto of the President's action.

7. To the maximum extent possible, the existence of a price-incomes policy (although not, obviously, the details of the policy) should cease to be considered a partisan issue, but rather come to be regarded as a regular and permanent aspect of the U.S. stabilization system.

8. A well-developed incomes policy should be in place and working before the U.S. economy next returns to the zone of full employment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the distinguished junior Senator from

Florida (Mr. CHILES), for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2458 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 15 minutes.

ADDITIONAL COSPONSORS AND PROPOSED HEARINGS ON S. 2224, A BILL TO AMEND THE NATIONAL SECURITY ACT OF 1947, AS AMENDED

MR. COOPER. Mr. President, I ask unanimous consent that Senators BAYH, BROOKE, CASE, HACKETT, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, JAVITS, MATHIAS, McGOWEN, PACKWOOD, PELL, RIBICOFF, ROTH, SCHWEIKER, STEVENSON, WILLIAMS be listed as cosponsors of S. 2224, a bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

MR. COOPER. Mr. President, the distinguished chairman of the Foreign Relations Committee has approved my request to hold hearings after the recess on the bill. It is my expectation that among those who will testify are a number of former and present officials experienced in the field of intelligence and the analysis of facts obtained by the intelligence agencies.

In introducing the bill on July 7, I said that the facts and analyses of intelligence collected by the CIA and made available by law to the executive branch under the National Security Act of 1947 should by law be made available to the Congress.

A chief purpose of the hearings is to establish that the best intelligence must be made available to the appropriate committees of the Congress and through them to the Congress as the Congress make determinations respecting legislative authority and funding of policies and programs of the executive branch, in the field of foreign policy and security. It will also be the purpose of the hearings to consider proposals for establishing guidelines in matters of classification and declassification and in establishing for the Congress effective security procedures so that the material to the Congress would be responsibly used.

When the Senate returns from its recess in September, it is my intention to state in more detail the kinds of information that should be available to the Congress and to outline suggestions as to the way the appropriate committees would maintain security for the documents made available to the Congress.

It is my firm belief that this bill provides an effective and straightforward way—and I might say, legal way—based upon the sound precedent of the law which created the Joint Atomic Energy Committee and specified the duties of the Executive branch to keep; that Committee fully and currently informed, for the Congress to better carry out its responsibilities. It is a way to insure that the decisions made by the government of this country—both the executive and the legislative—on foreign policy and national security will be the result of the consideration of the best information obtainable.

I ask unanimous consent that my statement of July 7, 1971, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 7, 1971]

By MR. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

MR. COOPER. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches held so tenaciously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative

¹ The author made recommendations along these lines as early as 1958. See his paper in *The Relationship of Prices to Economic Stability and Growth* (Compendium of Papers Submitted by Panelists appearing before the Joint Economic Committee), 31 March 1958 (U.S. Government Printing Office), pp. 634-6 and *passim*.

WILMINGTON, DEL.
JOURNALAUG 6 1970
E - 89,873

STATINTL

Roth Measure Calls on CIA to Tell Secrets

From the Washington Bureau of the executive, and the veil of secrecy has been extended to cover too much that is necessary to make legislative decisions of great substantive importance to the American people.

WASHINGTON — Sen. William V. Roth Jr., R-Del., today endorsed legislation to force the Central Intelligence Agency (CIA) to share secrets with Congress and to limit the President's power to launch undeclared wars.

In a Senate speech, he co-sponsored a bill by Sen. John Sherman Cooper, R-Ky., requiring the CIA to comply with any congressman's request for intelligence reports.

The information would be provided to the committees dealing with armed services or foreign affairs in either house and the committees would be responsible for maintaining security of the documents.

ROTH also joined in backing a resolution by Sens. John Stennis, D-Miss., and Mike Mansfield, D-Mont., that would give the President 30 days after committing U.S. military forces in any combat situation in which to present his reasons to Congress for the members' concurrence or rejection.

ROTH said CIA reports have been available on a limited basis to Congress but "this has been done only at the pleasure

"Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is, in fact, in the possession of the executive."

As to the war powers resolution, Roth noted that Congress has not declared war since the start of World War II, "despite the many conflicts and near conflicts we have engaged in."

He said the 30-day period is "long enough to avert a disaster, but short enough so that if a full-scale war is to be begun, the Congress too will be required to authorize it."

The whole question of the respective roles of Congress and the President in warmaking has too long been shoved aside by the legislative branch Roth said. A clear, final decision is needed on the constitutional question at a time when volatile and dangerous situations exist in many parts of the world he said.

Approved For Release 2001/03/04 : CIA-RDP80-01601R0002

Senate Armed Services Panel Cuts \$1.2 Billion From Pentagon Budget

The Senate Armed Services Committee cut \$1.2 billion from the Pentagon's fiscal 1972 budget request yesterday and voted to limit construction work on the Safeguard missile defense system this year to two sites rather than the three the administration requested.

In announcing the unanimous committee action, Chairman John C. Stennis (D-Miss.) stressed that work on the country's major strategic weapons systems would be unaffected by the reductions. These systems include the Navy's Polaris/Poseidon missile-firing submarine fleet, the proposed successor to Poseidon, called ULMS, and the Air Force's proposed new B-1 bomber.

The \$21 billion measure approved by Stennis' committee is \$900 million less than that approved by the House Armed Services Committee.

The Senate version is expected to go to the floor for debate after the congressional recess. After floor action, differences in the two bills will have to be worked out in a House-Senate conference committee.

Despite the cuts, Stennis predicted yesterday that the bill would face "a very rugged trip" through the Senate.

Floor fights are anticipated over money ticketed for further development of the B-1 bomber and of the Army's trouble-plagued MBT-70 tank. Also, further attempts to restrict secret U.S. support of guerilla operations in Laos with Laotian and Thai irregular forces are expected.

The committee's single biggest cut and the major action differing from both the administration request and the House-passed version involves the Safeguard antiballistic missile system.

In reducing the administration's original \$1.27 billion request for Safeguard by \$161.4 million this fiscal year, the Senate committee voted 11 to 5 to limit the remaining funds to deployment only at the two bases where construction is already well under way—Grand Forks, N.D., and Malmstrom AFB, Mont. The administration had requested permission to start construction on a third site this year at Whiteman AFB, Mo., and to "take steps toward deployment of a fourth site" at either Warren AFB, Wyo., or around Washington.

The committee action completely eliminates any defense ring around the nation's capital and restricts work at Warren and Whiteman to site preparation activities with no deployment authorized.

Stennis said that as a matter of policy, the committee fully supports Safeguard "as necessary to assist in the protection" of U.S. Minuteman ICBM bases. He said the cutbacks and restrictions were made basically because work at the first two sites had fallen one year behind schedule due to construction delays and bad weather. Those sites were originally set for completion in 1973.

The committee action, if it is sustained, could complicate the official U.S. position at the strategic arms limitation talks where the stated U.S. negotiating position involves allowing Safeguard missiles around three Minuteman bases to balance the Soviet ABM net around Moscow. American officials have indicated privately that a compromise on the number of sites would be reached.

Other changes in the Pentagon request made by the committee include:

- A cut of \$75.8 million in the \$472 million requested for the C-5A supertransport plane. The committee called this a financing adjustment involv-

ing funds which could be cut this year without affecting deliveries.

- \$62.8 million was added to the Army's request for \$27.5 million to complete development of the new Main Battle Tank and build six models for testing. Both the House and Senate committees, however, refused to allow any money for mass-producing the controversial new vehicle.

- A \$155.7 million cut out of almost \$374 million the Navy wanted to pay off claims due to cost overruns in its shipbuilding programs. The committee said the Navy didn't need all that money this year.

The committee's biggest single area of cuts came in the Pentagon's research and development budget, where \$321 million was eliminated, including a portion of the total Safeguard request. Stennis noted, however, that even with these reductions, \$7.6 billion for military R & D still was left in the new budget and this was \$600 million more than was appropriated last year.

Stennis' committee, as did its House counterpart, voted to keep \$801 million in the budget for the Navy's swing-wing F-14A fighter but insisted that the Navy get no fewer than 48 planes for their money this year.

Stennis also said that an amendment proposed by Sen. Stuart Symington (D-Mo.) aimed at prohibiting CIA support for Thai troops fighting in Laos was voted down, 11 to 3. Other attempts are expected to revive this measure when it comes to the Senate floor.

STATINTL

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

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Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

School Board shall, on or before the 1st day of the months of November, December, February, March, April and May, during the 1971-72 school year, submit to this court reports each of which shall cover the following topics:

a. Students, including (1) the number of students by race enrolled in the school district; (2) the number of students by race enrolled in each school in the district; (3) the number of students by race enrolled in each classroom in each of the schools in the district; and (4) the number of school days during each month that each child has participated in multi-cultural activities pursuant to the elementary school program, broken down by learning resource center visits, inter-site visits, and field-study trips.

b. Teachers, including (1) the number of full-time teachers by race in the district; (2) the number of full-time teachers by race in each school in the district; (3) the number of part-time teachers by race in the district, and (4) the number of part-time teachers by race in each school in the district.

c. Transfers, describing the requests and results which have accrued by race, under the majority-to-minority transfer provision which is a part of this Court's Order.

d. Specifying any change which may have been made in the boundaries of any zone or zones.

e. Transportation system, including the number of vehicles in use and the extent to which black and white students are transported daily on the same buses.

f. Utilization of equipment, including a statement that all gymnasiums, auditoriums, cafeterias and like facilities are being operated on an integrated basis.

g. If it appears that the plan hereby adopted does not in actual fact and in operation provide the unitary system for which it was designed and adopted, the Order of this Court may be changed to whatever extent necessary to accomplish the objective.

Signed at Austin, Texas, this 19th day of July, 1971.

JACK ROBERTS,
U.S. District Judge.

[In the U.S. District Court, Western District of Texas, Austin Division]

Civil Action No. A-70-CA-80

United State of America v. Texas Education Agency, et al.

ORDER

Pursuant to Rule 60(a), Federal Rules of Civil Procedure, the Court's Memorandum Opinion and Order of July 19, 1971, is corrected on the last line of page eight to read 8900 elementary students rather than 89%.

It is so ordered.

Entered this 22nd day of July, 1971, in Austin, Texas.

JACK ROBERTS,
U.S. District Judge.

CIA SHOULD REPORT TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mt. FINDLEY. Mr. Speaker, in 1947 Congress passed the National Security Act, which greatly restructured the executive branch of Government. In addition to combining the various armed services into the Department of Defense, the act also established the Central Intelligence Agency to coordinate the work of the individual intelligence-gathering branches of each armed service, and also to report directly to the National Security

Council and the President of the United States.

Thus, the President was given the tools which would permit him to make the decisions which could lead to peace and to war in the coming decades.

Unfortunately, Congress did not give itself the same tools, although the legislative branch of Government is equally charged by the Constitution with making those same decisions. The National Security Act of 1947 did not specifically exclude Congress from receiving reports and periodic and regular briefings, nor did it specifically provide for them. It was silent. As might have been expected, regular reports have not been forthcoming. When specific requests for information on the activities of the Central Intelligence Agency have been made these questions have generally not been answered.

The problem with that approach has been that, with such a supersecret agency, it is difficult to know just what questions need to be asked. Since requests for the CIA are carefully hidden in the President's budget and in authorization and appropriation bills, it is impossible to know even how much money is spent by the intelligence community, let alone for what purposes it is spent.

Congress should have that information—even though most of it must necessarily be highly classified, because it does have the responsibility for major decisions of foreign policy. The power of the purse and the power of the sword are the two major power grants committed to the Congress by the Constitution. Each is intimately connected with operations of the Central Intelligence Agency, and so far, Congress has neglected to use either power.

The bill I am introducing today will help Congress to fulfill its responsibility. It is a companion measure to S. 2224, introduced in the Senate by the senior Senator from Kentucky, JOHN SHERMAN COOPER. Its sole purpose is to require the CIA to make regular and special reports to the House Foreign Affairs and Armed Services Committees and the Senate Foreign Relations and Armed Services Committees. Such reports would deal with the intelligence information collected by the Agency and analyze its significance in terms of our relations to foreign countries as well as national security.

Naturally, such reports would often deal with sensitive subjects, and the Members of the committees and their staffs would be subject to the same security clearance as members of the executive branch dealing with the same reports. The only purpose for receiving such reports would be to enable the Congress to fulfill adequately its decision-making role. The question of the public's right to know is not at issue.

In 1954, when Congress set up the Atomic Energy Commission, it specifically provided that the appropriate body of Congress constantly be kept apprised of the Commission's activities. The act states plainly:

The Commission shall keep the Joint [Atomic Energy] Committee fully and currently informed with respect to all of the

Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy.

Those serving on the Joint Atomic Energy Committee describe it as a "refreshing experience" because "the committee does not have to go after the information; the information is volunteered."

The Congress should have similar access to information gathered by the intelligence community. Only in this way can we be better equipped for the decisions which we have the responsibility for under the Constitution.

I hope that this bill will be thoughtfully considered in both House of Congress, and that it will be enacted into law at an early date.

Text of bill follows:

H.R. —

A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security, including full and current analysis by the Agency of such information.

"(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any Member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

ENVIRONMENTAL QUALITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 10 minutes.

Mr. BROWN. Mr. Speaker, earlier this year, I and 20 other Congressmen introduced H.R. 4911 to provide that State and local laws and regulations on environ-

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H 7996

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1 1971

School Board shall, on or before the 1st day of the months of November, December, February, March, April and May, during the 1971-72 school year, submit to this court reports each of which shall cover the following topics:

a. Students, including (1) the number of students by race enrolled in the school district; (2) the number of students by race enrolled in each school in the district; (3) the number of students by race enrolled in each classroom in each of the schools in the district; and (4) the number of school days during each month that each child has participated in multi-cultural activities pursuant to the elementary school program, broken down by learning resource center visits, inter-site visits, and field-study trips.

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Thus, the President was given the tools which would permit him to make the decisions which could lead to peace and to war in the coming decades.

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Why Not?

Sen. John Sherman Cooper, long known and admired for his good common sense, has offered a good common-sense proposal to the Congress, namely, that the National Security Act of 1947 be amended to require the Central Intelligence Agency to keep the "germane" committees of the Congress "fully and currently" informed by means of "analyses in regular and special reports" incorporating the intelligence gathered by that agency.

The argument for the proposal is clear enough: Congress is entitled to the same information that the executive receives in order to pass considered judgments on matters pertaining to its responsibilities. And why not? Surprisingly, the existing legislation does not specifically bar dissemination of CIA-gathered intelligence to Congress, but neither does it require that Congress be informed. So, by a familiar bureaucratic process, the practice developed of using this intelligence to brief the executive, leaving Congress out in the cold to serouge around and get what intelligence it could. This is one of the pincipal causes of the exclusion of the Congress from deciding on when to start wars and when to end them. Of course it retains the power of the purse, but few members of either House are courageous enough to stop a war by withholding funds—it leaves them open to the accusation that they are letting down "our boys," which can prove fatal at election time.

Under the Cooper amendment, CIA information would have limited Congressional circulation. It would be made available to the Senate and House Foreign Relations and Armed Services Committees, whose members could pass along pertinent portions to other legislators and staff members working on national security matters, subject to the normal security requirements.

Note, in contrast, how the CIA reports are used under the present arrangement. The President, for his purposes, leaks a CIA report to, say, *The New York Times* on, say, the POW proposals of the North Vietnamese Government. Does the President call in the reporters and tell them candidly that here is a CIA report of general interest which I am divulging to all of you? He does nothing of the kind—he would rather play the leaking game. That is one reason why the executive prefers to hoard the information and withhold it from the Congress: he wants to be able to leak it when it serves his purpose to do so.

The damaging effects of this system are obvious. The Congress and the public are denied information on which vital decisions are based. The denial applies not only to military information but substantially to all data except what the executive chooses to share, which is always what will benefit him politically by enhancing his image and making him look, if not infallible, at least pretty close to it. The effect is to multiply errors as well as to hide them. The executive lacks the benefit of valuable feedback from the public and the press.

Senator Cooper has taken an important first step to limit the secrecy factor which bedevils our foreign relations. His remedy would broaden support for foreign policy and save us from involvement in another Indochina mess.

Approved For Release 2001/03/04 : CIA RDP80-01601

STATINTL

The Nation

Congress: For the President Some Ties That Bind

I slept sounder than ever I remember to have done in my life . . . when I awakened. . . . I attempted to rise, but was not able to stir: for, as I happened to lie on my back, I found my arms and legs were strongly fastened on each side to the ground.

—From a Voyage to Lilliput in "Gulliver's Travels"

WASHINGTON — With a maze of legislative strings, the Congress last week dramatically accelerated efforts to ensnare a latter-day Gulliver named Richard Nixon. Those leading the attack, however, had an even larger target in mind: the ever-increasing power of the institution of the Presidency itself.

Thus, the Senate Foreign Relations Committee threatened to cut off funds for the military aid program unless the Executive Branch produced a Pentagon document. Committee rooms rang with complaints of excessive secrecy by the Executive Branch and proposals to force the Administration to supply Congress with information. And a bill to limit the warmaking powers of the Presidency began moving with unexpected speed and support through the legislative machinery.

Through all the noise and activity, which seemed to be ignored but was certainly not unheard by the Gulliver in the White House, ran a deep constitutional power struggle between the Presidency and the Congress. Ever since the Nixon Administration took office, and even before, in the closing days of the Johnson Administration, a Senate frustrated at not being included in foreign policy decisions and at being excluded from policy information, has been in an assertive mood, seeking

to re-establish itself and Congress as a whole as a branch of the Government co-equal with the Presidency.

The most direct challenge last week — and one that could produce a stormy confrontation — came from the Senate Foreign Relations Committee, which discovered a little-noticed provision in the 1961 Foreign Aid Act. Basically the provision states that a foreign aid program will be cut off if, within 35 days, the Executive Branch has not supplied a foreign aid document requested by a Congressional committee — or, alternatively, if the President has not invoked Executive privilege to keep the document from Congress.

By a unanimous vote the committee decided to invoke the provision to require the Defense Department to turn over a five-year military assistance plan which it has refused to supply to the committee. In perhaps the clearest test of the Executive Branch's right to withhold information since the Eisenhower Administration tussled with Senator Joseph McCarthy, the Pentagon was thus faced with a choice of turning over the document or facing a suspension of its billion dollar military aid program to more than 40 nations.

The President could invoke Executive privilege, but that would set a precedent and undercut all the lesser reasons that the Executive Branch has been using for withholding information from Congress — that it would not be in the national interest to release such information or that the data were merely "internal working documents."

A Senate Judiciary subcommittee, meanwhile, began hearings on legislation, offered by Senator J. W. Fulbright, chairman of the Foreign Relations Committee, that would compel Government officials to appear before Congressional committees and testify unless the President invoked Executive privilege. "When the Government operates in secrecy, its citizens are not doubtlessly the most important informed and their ignorance strong, therefore, was one that breeds oppression," said Senator Sam Ervin of North Carolina, orators alike, were trying to make the case that the time had come of the President's warmaking

that pretty well summed up the frustration in the Senate over Executive Branch secrecy.

In a less punitive manner, Senator John Sherman Cooper of Kentucky came forward with a proposal that Congressional committees, like the Executive Branch, should be furnished with information by the Central Intelligence Agency, again on the premise that if Congress is to help set foreign policy then it must be informed. Senators Clifford P. Case of New Jersey and Stuart Symington of Missouri, meanwhile, were pressing amendments that would prevent the President from using undisclosed C.I.A. funds to fight a secret war in Laos.

On the theory that the Senate should give advice as well as consent, Senator Vance Hartke advanced with a double-barreled resolution. One part would call for Senate confirmation of the new United States representative to the Vietnam peace talks in Paris. The other would offer the advice of the Senate that in the negotiations the United States should agree to a total troop withdrawal in nine months if agreement was reached on timely release of American prisoners of war.

The latter part was a variation on the Senate-approved troop withdrawal amendment of Senator Mike Mansfield, the majority leader, that was still tying up legislation extending the draft. On Friday, House and Senate conferees reached agreement on a compromise that would considerably weaken the force of the Mansfield amendment but would retain the concept that the President should withdraw all troops by a "date certain" subject to the release of American P.O.W.'s.

All these various legislative strings, even if they should be tied down, would not fundamentally change the balance of power. At most they might make the Congress better informed in giving advice and thus more able to serve as a counterbalance to the Presidency. Uninformed and their ignorance strong, therefore, was one that breeds oppression," said Senator Sam Ervin of North Carolina, orators alike, were trying to make the case that the time had come of the President's warmaking

fore the Senate Foreign Relations Committee, Professor Alexander M. Bickel of Yale Law School said: "In matters of war and peace, a succession of Presidents — well intentioned and patriotic, to be sure — have indeed come close to canceling the effectiveness of Congress.

The result is a dangerous contradiction of the principles of democratic government, which I believe ought to be set right."

They were welcome, well-heeded words to members of the Foreign Relations Committee as they set about last week to consider legislation defining and restricting the war powers of the Presidency. What is expected to emerge is an amalgam of proposals offered by such unlikely partners in a challenge to

the Presidency as conservative Senator John Stennis of Mississippi and liberal Jacob K. Javits of New York. Basically their proposal is, that the President could undertake emergency military actions, such as repelling an attack on United States forces, but could not continue military hostilities for more than a month without obtaining Congressional consent.

Even Senator Hugh Scott, who as Republican leader has stood as the Administration's spokesman against Congressional intrusions on Presidential prerogatives, joined in the drive for war powers legislation. "The time has come," he said, "when Congress will not be denied the right to participate, in accordance with the Constitution, in the whole enormous business of how wars are begun." Earlier in the month, Representative Gerald R. Ford, who as House Republican leader has been a conservative champion of the Administration, had endorsed war powers legislation. When the Republican leaders start talking that way it was proof that Congressional resentment and frustration over the secrecy and powers assumed by the White House were running deep.

Even the long passive House Foreign Affairs Committee was getting into the act. It included in the Foreign Aid Authorization Bill amendments that would cut off military and economic aid to Greece until constitutional democracy is restored in that

Approved For Release 2001/03/04 : CIA RDP80-01601 R000200010001-1

In testimony last week be-

STATINTL



MARIANNE MEANS

Congress Wants CIA Briefings

CIA officials are very concerned about a new Senate move to require their secretive agency to give detailed global intelligence to congressional committees on a regular basis.

The Senate Foreign Relations Committee has scheduled hearings this September on a controversial measure that would greatly expand the number of senators who have access to classified CIA evaluations and information.

The bill, proposed by Sen. John Sherman Cooper, R-Ky., would require the CIA to brief the full Senate and House Foreign Relations and Armed Services Committees on a routine schedule, similar to the system under which the agency briefs top foreign policy officials of the executive branch.

ALARIED CIA OFFICIALS view the proposal as potentially jeopardizing their clandestine operations around the world. There are 110 congressmen on those four committees, and that's a lot of people to keep a secret. Consequently the CIA's three congressional liaison agents are trying quietly to have the measure killed.

The Senate however, is in a mood to expand its influence over Presidential foreign policy-making, and better intelligence is a vital tool toward that goal. The measure already has considerable supporters, including Majority Leader Mike Mansfield, Foreign Relations Committee Chairman J. William Fulbright, and Sen. Stuart Symington, the only senator on both the Foreign Relations and Armed Services Committees.

The CIA now reports only to five special subcommittees of the House and Senate, composed of senior members of the Armed Services and Appropriations Committees. Those groups are concerned primarily with the CIA budget and operations. The CIA does not regularly brief Fulbright

or other congressmen whose major interest is in the field of foreign policy.

Senate leaders complain that they are asked to authorize and fund Presidential decisions that may result in U.S. soldiers going into combat but are told little more than the general public about the information and analyses that prompted those decisions. Cooper, a long-time opponent of the war in Vietnam, introduced the bill in the wake of the Pentagon Papers. He was angry to discover from the papers that the CIA had warned President Johnson full-scale bombing of North Vietnam might not frighten Hanoi into giving up.

CIA officials fear that congressmen privy to intelligence secrets will not be able to resist the temptation of leaking -- and perhaps misinterpreting -- snatches of information that serve their own political purposes or can get them publicity. The Senate Foreign Relations Committee in particular has long had a reputation for being a sieve.

But congressmen retort, justifiably, they are no worse at keeping secrets than the White House itself. It is common practice for White House and State Department officials to leak classified documents and secret foreign intelligence when it suits their purpose. For instance, the administration recently surfaced intelligence warnings of new Soviet missile sites to help generate support for military budget items.

Even so, the administration keeps reasonably tight control over the number of officials who have access to CIA intelligence and who have permission to leak selected secrets at the appropriate moments. Congress has no such control over its members, and the odds that an individual congressman might make a grievous error in judgment about what is safe to make public are not incon siderable.

STATINTL

Executive Omnipotence

By TOM WICKER

WASHINGTON, July 28—President Nixon's approach to Peking, no matter how welcome it may be, was planned in secrecy, decided by presidential fiat, carried out clandestinely and finally announced only as accomplished fact. Thus, whatever else it was, this grand diplomatic undertaking was another exercise in executive omnipotence. Though aimed at peace, the operation so far has not been much different from the hidden processes that carried the nation into the war in Vietnam, and its consequences could be even more far-reaching.

Faced with this kind of unchecked power, the Senate is pondering a resolution by Senator Cooper that would require the C.I.A. to keep germane Congressional committees as fully informed as the executive; and Senator Ervin's subcommittee is considering how the rules of "executive privilege" can be tightened. Trying for some leverage on the Paris talks, Senator Hartke has offered a resolution for Senate confirmation of Ambassador Bruce's successor as chief negotiator.

Senator Fulbright's Foreign Relations Committee, meanwhile, has been trying to find effective means to limit the most dangerous form of executive omnipotence—the waging of undeclared war. Congress has ample constitutional authority to do so, but a major problem is to avoid inhibiting or frustrating the President's ability to act in a crisis. Another question is whether Congress itself is prepared to accept greater responsibility in questions of war and peace.

William D. Rogers, a former State Department official, told the committee rather bluntly that if Congress intended to exercise an effective role in such matters, it would have to improve itself. "Your staffing is woefully inadequate. Your organization is wrong. Your ways of doing business are outmoded. And your conventional habits and practices are in need of fundamental reform."

He was, however, fundamentally in favor of Congressional action to redeem the situation created by what Prof. Alexander Bickel of Yale called the "unprecedented extension of Presidential power" that launched the Vietnam war in 1965. The decisions of that year, he said, "amounted to an all but explicit transfer of the power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers refused to confer it."

IN THE NATION

sudden attack and to protect the lives of American citizens at home or abroad. But most agree with John Bassett Moore, the authority on international law, who said:

"There can hardly be any room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, never imagined they were leaving it to the executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, so long as he refrained from calling his action war or persisted in calling it peace."

The Foreign Relations Committee, therefore, is really considering what Mr. Rogers called "rules of practice" in exercising the war powers and not a "redistribution of power." The most practical proposals before it are a requirement for advance Congressional authorization before troop deployments that raise a "reasonable possibility" of combat (for instance, the stationing of troops in Europe in 1950, or President Kennedy's dispatch of thousands of "advisers" to Vietnam in 1961); and another requirement that a President who took emergency action to repel attack or protect American lives would have to obtain Congressional sanction within thirty days.

The latter provision probably would not have hindered President Truman from intervening in the Korean war in 1950, since Congress no doubt would have supported the repelling of invasion. It might have given Mr. Nixon trouble after the Cambodian invasion of 1970 and would certainly have forced him to greater consideration of Congressional and public opinion. And while President Johnson might have been able on his own to launch air raids in reply to the supposed Tonkin Gulf attack in 1964, he could hardly have launched the round-the-clock bombing of North Vietnam or sent a half-million troops to Asia without such authorization.

But there's the rub. Even if effective "rules of practice" are devised, the greatest responsibility to make them work will lie on Congress itself. It will need to know more and act more efficiently, and it will have to be resolute. When a President has sent troops into combat under the flags of peace, freedom and patriotism—no matter how confident Congress to refuse him sanction.

STATINTL

Approved For Release 2001/03/04 : CIA-RDP80-01601R0

A Little More Candor With Congress Wouldn't Hurt the National Security

BY. ERNEST CONINE

No doubt Richard Nixon's instinct, like that of any President faced with the same situation, is to resist the growing demands that "his" CIA be required to give Congress the same kind of intelligence reports and estimates that it gives him.

Just one secrets-spilling blabbermouth on Capitol Hill could do incalculable harm to the national interest. Besides, presidential prerogatives are involved.

The thought occurs, however, that the Administration might be better advised to recognize that frustrated senators and congressmen have a point.

Congressmen Can't Vote Intelligently If the Facts Are Kept Secret

How can they be expected to vote intelligently and responsibly on presidential proposals in the fields of foreign policy and national security unless they have reasonable access to the intelligence on which these proposals are based?

How can they know whether an appropriation for a new ABM site or for more Poseidon missiles is really needed unless they—or colleagues whom they trust—know something of what the Executive Branch knows of Soviet missile deployment?

The answer is that they can't.

It should be understood, of course, that the CIA is exposed to congressional scrutiny of a sort now.

Just about any House or Senate committee, can, upon request, obtain a closed-door briefing from CIA Director Richard Helms and other top officials of the agency.

The CIA's supersecret budget is reviewed in both houses by special panels drawn from the Appropriations and Armed Services Committees. Since 1967 certain members of the Senate Foreign Relations Committee also have been invited to sit in on these watchdog sessions.

There has always been a certain dissatisfaction with this setup, and this dissatisfaction is growing.

In the first place, the CIA briefings are given not as a matter of congressional right but of presidential courtesy. Many disgruntled lawmakers are convinced, in any event,

that these sessions should be more frequent, more thorough—and the results made more readily available to congressmen and senators who are not members of the select panels.

Take the situation of Sens. Alan Cranston and John Tunney. They represent 20 million Californians who obviously have a stake in issues involving war and peace, and the setting of a proper scale of national priorities.

Neither, however, sits on any of the committees which deal with foreign policy and national security. When the time comes to vote on something like military appropriations or sense-of-Congress resolutions about Vietnam, they have no direct access to pertinent classified information.

Instead, as a practical matter, they must either accept or ignore the word of colleagues whose committees deal with foreign policy and national security questions on a regular basis.

And, except for the foreign relations committees, these are pretty well stacked with people who believe in a strong defense establishment—and are, therefore, not inclined to pass along intelligence which might support a contrary viewpoint.

Sen. John Sherman Cooper (R-Ky.) has introduced a bill which would require the CIA as a matter of law, rather than of presidential discretion, to supply "Congress, through its appropriate committees, the same intelligence conclusions, facts and analyses that are now available to the Executive Branch."

These intelligence materials, in turn, would be made available to any member of Congress who asks for them.

The trouble is, of course, that a secret which is made available to upwards of a thousand people (including staff employees) will not remain a secret very long. Certainly not when these people are in the profession of politics, and certainly not when a lot of them, like Sen. Mike Gravel of Alaska, might feel morally obligated to decide for themselves what should be released.

The best solution, one suspects, is a change which would broaden the kinds of people on Capitol Hill with access to CIA intelligence, without greatly increasing their numbers.

In that context, former Vice President Hubert Humphrey has come up with an attractive alternative.

STATINTL

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

continued

W. PALM BEACH, FLA.

TIMES JUL 24 1972

E - 23,270

POST-TIMES

S - 69,302

Legislation Needed

New legislative safeguards offer the only hope for putting reins on the secret wars and intrigues foisted on U.S. citizens under the guise of "national defense" and "public interest."

Pending in the Senate are three bills to put strings on the super-secret funds and operations of the Central Intelligence Agency.

Kentucky Republican Sen. John Sherman Cooper proposed a bill which would require the CIA to make available to Congress the "same intelligence conclusions, facts and analyses that are now available to the executive branch."

Another Republican, Sen. Clifford P. Case of New Jersey, authored a bill limiting commitment of troops, funds and military equipment to Laos and other areas. Sen. Case said he sees the need "to place some outside control on what has been the free-wheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars."

The third bill, introduced by Sen. George McGovern (D-S.D.), would require an accounting of CIA funds and prohibit concealment of the spy agency funds in appropriations for other agencies.

Future of the three Senate bills can only be guessed. But in the House, five resolutions on similar issues went down the drain in rapid-fire order. One was authored by Rep. Paul N. McCloskey (R-Calif.) who argued that the Congress has a right to be told "the entire truth" about Laotian operations. In contrast, the Foreign Affairs Committee argued that telling the truth about Laos "would not be compatible with the public interest" and the resolution was defeated on the floor of the House along with three similar resolutions.

Admittedly, some phases of government operation directly related to national defense appropriately belong in highly restricted classifications. The Laotian situation, however, and concealment of accurate figures on CIA funding illustrate the deliberately deceptive techniques frustrating efforts to learn the extent of U.S. entanglements in Indochina.

It is a cliché — and a near-too-accurate one — to observe that survival of a democracy depends on an informed electorate. Certainly, survival demands an informed Congress. The pending Senate bills — and perhaps more — are clearly called for and merit wide support.

✓ STATINTL

ST. LOUIS, MO.
POST-DISPATCH

E - 326,376
S - 541,868

JUL 21 1971

STATINTL

Would Halt Aid To Thais In Laos

By RICHARD DUDMAN

Chief Washington Correspondent of the Post-Dispatch

WASHINGTON, July 21 -- Senator Stuart Symington (Dem.), Missouri, proposed today a new restriction intended to close loopholes that allow the United States to finance foreign mercenary troops in Laos. Symington said that his amendment to the military procurement bill won't "once and for all put an end to our paying for Thai mercenaries in Laos, and thereby remove any technical loophole which might be used to continue to circumvent the intent behind the amendment to last year's authorization and appropriation acts."

Symington, whose subcommittee on overseas commitments brought out the fact that Central Intelligence Agency funds were used to pay for some 1,800 Thai troops in Laos, reminded the Senate that many members thought that Congress had banned the practice last year.

An amendment last year said that the support of "Vietnamese and other free world forces in support of Vietnam forces" could not be construed as authorizing "the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the government of Cambodia or Laos."

Despite that amendment, the Department of State acknowledged June 7 that there were Thai forces in Laos and that the United States was supporting them. The department described them as volunteers.

Symington said that because the legislation referred to Department of Defense appropriations, it might be argued that CIA funds were not covered by the 1970 amendment.

He said the Executive Branch contended that the Thai forces in Laos were "Local forces in Laos," even though the men were Thai nationals recruited

and trained in Thailand, transported from Thailand to Laos, and then sent back to Thailand after their tours of duty and given special benefits by the Thai government.

Certain testimony given to the Senate in a closed session June 7 "seriously undermines the credibility of the claim that these Thai are local forces in Laos," Symington said. But he pointed out that the Executive Branch continued to insist that these facts was classified.

Symington's new amendment would change the wording to permit U.S. funds to be used for "local forces of Laos in Laos and local forces of Thailand in Thailand" instead of "local forces in Laos and Thailand."

It would provide also that no U.S. funds be used to support any member of a local force in Laos who is not a citizen or national of Laos.

Symington expressed confidence that the tightened language would prevent U.S. support for Thai soldiers--regulars or irregulars, conscripts or volunteers--in Laos.

The move was part of Symington's continuing effort to expose and curtail the secret war that the United States has been waging in Laos since 1964.

STATINTL

Controlling the C.I.A.

Senator Cooper's proposal that the Central Intelligence Agency share with Congress its intelligence estimates is a logical corollary to the reassertion of Congressional responsibility in the making of foreign policy. The lawmakers obviously cannot fulfill their constitutional function in this vital area with maximum wisdom and effectiveness unless they have access to the best available information.

As matters now stand, the Executive enjoys almost exclusive access to information compiled by the intelligence community. Congress is thus at a serious disadvantage in attempting to weigh important policy decisions, especially when an Administration makes public only selective intelligence data designed to support its policies.

Senator Cooper has emphasized that his proposal is not aimed at C.I.A. operations, sources or methods, but is "concerned only with the end result--the facts and analyses of facts." It would not compromise and it does not seek to control intelligence operations. Indeed, Senate approval of the Cooper bill would represent in a sense a vote of confidence in the intelligence community --at least in its information-gathering function.

The question of control over the vast intelligence network, and especially of the C.I.A.'s clandestine action operations, is raised in other proposals. These include three bills prepared by Senator Case designed to increase Congressional control over C.I.A. participation in foreign wars and quasi-military operations; a bill introduced by Senator McGovern requiring C.I.A. funds to appear as a single line item in the budget; and long-standing efforts to strengthen over-all Congressional oversight of the intelligence agency. The principle of such proposals merits support of a Congress that too long has neglected its essential role in the formulation of United States foreign policy.

STATINTL

WORCESTER, MASS.
TELEGRAMM - 62,339
S - 108,367
JUL 19 1967*Probing the CIA*

Congress, which is in an anti-Vietnam, anti-Administration mood, is directing its attention to the Central Intelligence Agency. A number of bills being debated would flush some of the CIA spooks out into the daylight and give Congress more of a say in the agency's operations.

It is a sensitive subject, to say the least. The CIA says it must be close-lipped to be effective. But some of its critics think its curtain of secrecy gives it the power to act as an invisible government, accountable to no one.

The various proposals offered attack the problem from different angles. Rep. Herman Badillo wants an amendment which would confine the CIA to gathering and analyzing intelligence. Sen. George McGovern wants all CIA appropriations and expenditures to appear in the budget as a single line item. (CIA expenses are now concealed). Sen. Clifford Case has introduced legislation to prohibit the CIA from financing a second country's operation in a third country. (as the CIA is doing now with the Thais in Laos). Senator Sen. John Cooper, who is a former ambassador and friendly to the CIA, nevertheless wants its "conclusions, facts and analyses" distributed in full to the relevant committees in Congress as well as to the executive branch. This would require an amendment to the National Security Act.

It is plain that some of these proposals are aimed at the executive

branch, which Congress has become very suspicious of. Many congressmen have the feeling that they have been hoodwinked by various presidents (the Tonkin Gulf Resolution affair, for example), and they are convinced that the powers and secrecy of the CIA permit the executive branch to do things in foreign affairs that would otherwise be impossible under the Constitution.

Congress' attitude is understandable. After all, the Constitution regards the legislative as perhaps the most important branch of the government, yet Congress does not even know what is going on in foreign affairs, half the time, and is powerless to do anything when it does learn the facts. The war in Laos, for example, has been run by the CIA without congressional approval or even debate.

Yet, how effective can an intelligence agency be if its activities are exposed to congressional scrutiny? How long would its secrets remain secret if they were pored over by congressional committees?

The questions raised by these proposals in Congress are fundamental in their implications. On the one hand, the United States must have effective ways to gather intelligence — and it also must on occasion be able to operate clandestinely.

On the other, it cannot tolerate an agency that functions under too tight a secrecy curtain with almost unlimited funds and powers. That way lies other Bay of Pigs.

JUL 18 1973

E & S - 135,812

Jack
Bell



President outranks Congress overseas

WASHINGTON — The confrontation between Congress and the President on foreign policy might be viewed more seriously as a crisis between branches of government if the lawmakers were equipped to share in the making of international decisions.

Constitutional questions aside for the moment, the national legislature cannot possibly compete with the chief executive in this field. It lacks the organization, the information and the technical ability to take the initiative it is groping to assert in the highly complex business of dealing with other nations.

THE IMPASSE between the House and Senate over the draft bill's provision to admonish President Nixon to withdraw all U.S. troops from Vietnam in nine months, if American prisoners are freed, is illustrative of one phase of this futility. It is clearly symptomatic of the very great difficulty of reaching any meeting of the minds among a majority of 535 individuals.

That only scratches the surface of the matter. Who in Congress, for example, can furnish an answer to the simple question of whether it would be physically possible to pull out all of these troops in that period?

Congress must depend on the Pentagon to supply the answer, and defense officials are being evasive on the question.

Therein lies one glaring weakness in the antiquated congressional system. Congress had no effective machinery to analyze executive department proposals.

Even the most active of its committees must depend on the executive department for the facts on any given situation.

Congress has no built-in ability to assess those "facts" once it receives them. It can only haggle about them, air its suspicions of their accuracy and in the end legislate.

PUBLICATION of the Pentagon papers has raised the decibels of the far-from-new cries of the legislators for more active participation in and supervision of foreign affairs decisions. The papers demonstrated that the lawmakers had practically no intimate knowledge of, let alone influence on, the course of events that led us into the Vietnam War.

It can be said there is equally widespread ignorance on Capitol Hill of how Nixon intends to get us out. And the legislators desperately want to have information that the executive denies them on the grounds that to pour it into the congressional sieve would endanger national security.

Sen. John Sherman Cooper (R-Ky.), one of the most thoughtful of the end-the-war-now members, has proposed a bill to "provide the legislative as well as the executive branch the best intelligence information on foreign policy and national security matters available to the government."

This measure would require the Central Intelligence Agency (CIA) to furnish germane committees with analyses of the intelligence it gathers.

Even if such a system were installed, Congress would have no technical means of assessing the analyses. And one can imagine the 57 varieties of interpretations that would be laid on them by individual members.

Sen. Hubert H. Humphrey (D-Minn.) has proposed that the Senate and House set up a joint committee to survey the whole security complex and to make recommendations for action.

But at least three standing committees of each House then would demand to be cut in on the act. The resulting chaos is imaginable.

Sen. Stuart Symington (D-Mo.) may rail at the "secret war" he says the CIA is conducting in Laos. Sen. Clifford Case (R-N.J.) may demand advance notice before the executive shifts appropriated funds from one country to another, as was done in Cambodia.

But Sen. Majority Leader Mike Mansfield (D-Mont.) went to the heart of the matter when he said in his assessment of the Communist peace proposals at Paris, "The final decision remains with the President. No matter what Congress does, it is likely to remain there."

Mr. Bell, a veteran White House AP correspondent, is now a news analyst with The Times' Gannett Bureau.

STATINTL

STATINTL

ANDERSON, S.C.
INDEPENDENT

M - 52,097
S - 51,872

JUL 17 1971
Secrecy About Laos: A Strange Rationale Keeping Facts Hidden

Sen. Stuart Symington has introduced an amendment to place a \$200 million ceiling on U.S. military assistance to Laos, and the Pentagon, predictably, is opposed.

Without, at the moment, going into the matter of what it is that the U.S. is doing in Laos and what prospects there are for success, we are intrigued, as is the senator from Missouri, over the Defense Department's rationale for its position.

In a statement which Symington has read into the record, the Pentagon declares that the Missourian's amendment "would intrude into matters properly within the constitutional authority of the President, as commander-in-chief, to direct military operations in Southeast Asia."

Now the one thing that can be said for this argument is that it is consistent with the administration's theory that the President has the "inherent power" to do whatever he wants, whatever the Constitution may say to the contrary -- tap your telephone lines without a court order (the Fourth Amendment), pre-censor the press (the First Amendment), pick up citizens and throw them in "preventive detention" when they assemble to petition the government for a redress of grievances (First, Fifth, Sixth, Fourteenth Amendments) and so on.

In this instance, the relevant constitutional provision is Article I, Section 8, which gives to Congress the power "to declare war," "to raise and

support armies," and to make rules for the government and regulation of the land and naval forces."

The Symington amendment might, true enough, inconvenience the President, but that is not the same as intruding upon his authority, and it seems to us that Congress has every right and responsibility to exercise its own authority, especially on matters like Laos, where something is going on but neither Congress nor the American people quite know what.

But it would also seem that if Congress is going to make these determinations it ought to find out what is going on, and in this connection the action the other day of the House of Representatives is curious indeed.

A "resolution of inquiry," sponsored by Republican Rep. Paul N. McCloskey Jr. of California, was introduced to obtain documents and other information relative to U.S. military and Central Intelligence Agency operations in Laos from 1964 to the present.

Other resolutions were offered to get information on our bombing operations in that unhappy country, but the House, taking the position that such information was "too sensitive" for it to know, voted the resolutions down.

Americans who have a right to know may also be intrigued by the House's rationale, but certainly cannot appreciate it any more than they do the Pentagon's.

LINCOLN, NEBR.
STAR

M - 26,553

JUL 17 1971

McGovern Would Ask Congress

He Can't See Using Troops Otherwise

... Candidate Campaigns Here

By DON WALTON
Star Staff Writer

Sen. George McGovern Friday said he cannot envision any circumstance under which he, as president, would "commit American forces to combat" without a congressional declaration of war.

And, he said, he would hope that whoever is president at the end of the war in Vietnam would "adapt a very lenient amnesty policy" for American boys who refused to participate in the war out of conscience.

That includes those who fled to Canada and those who were sent to prison for refusing to recognize the military draft, McGovern said.

Applause Enthusiastic

The South Dakota Democrat's declarations -- both given in response to questioners -- were enthusiastically applauded by a jammed reception crowd at a downtown hotel.

McGovern, the only announced Democratic presidential candidate, campaigned in Lincoln and Omaha as he kicked off a three-day foray into Nebraska.

Earlier, in Omaha, he praised President Nixon's decision to visit China and urged recognition of Peking in the United Nations as "the sole legitimate government of

McGovern took to the streets in both downtown Omaha and Lincoln, shaking hands with shoppers. He lunched with Douglas County Democratic leaders in the Gate City and dined with Lancaster County Democratic women in the Capital City.

Young Voters Numerous

At a reception in Lincoln, attended by large numbers of potential new young voters, McGovern fielded questions on a host of subjects.

The senator warned young people that "a lot of people will do what they can to make it hard for you" to register to vote in the 1972 presidential election.

They should be prepared to overcome any such obstacles and "Struggle to exercise your option," he declared.

Curb On CIA Favored

McGovern promised to support "a strong agricultural program" and told one questioner that Congress should strictly limit the CIA to intelligence activities.

"They should not be in the business of fermenting coups or dumping governments or assassination," he insisted.

His poor standing in the polls suggests that such a view "no more than a recognition factor at this point," McGovern said.

"I expect to do much better in the primaries than with Dr. Gallup or Mr. Harris," he said.

And, the senator suggested, he believes the eventual Democratic nominee "will be decided" in the primaries.

Nebraska Key

Nebraska is a key contest for him, he told newsmen in Omaha.

"We're going to make a major effort in both Nebraska and South Dakota, and we expect to win both primaries," McGovern said.

An "all-out effort" will also be mounted in Wisconsin, he promised, and "we expect to do very well" there.

The departure of Sen. Harold Hughes of Iowa from the Democratic presidential sweepstakes represents "a significant gain for me," he said.

"We tended to appeal to the same constituency," he noted.

It is "too early" to accurately assess the effect of Friday's entry of Sen. Fred Harris of Oklahoma into the presidential free-for-all, McGovern said.

He'll Hit Economic Issues

Long identified chiefly as an antiwar candidate, McGovern said he will "zero in on economic issues" during coming weeks. His targets will include unemployment, farm prices and "ramphant inflation," he said.

The Nationalist Chinese government, should be "essentially resolved" by negotiations among

the Chinese people, McGovern said.

"We should permit the Chinese to work out this problem among themselves."

President Nixon's trip to China "signals recognition of the fact that the real government is in Peking," McGovern said.

"We have maintained the charade (of acting otherwise) long enough."

He Sought Visit OK

In a taped interview which will be telecast on KUON-TV and the Nebraska Educational Television Network next Wednesday night at 9:30 p.m., McGovern revealed that he requested to visit China five years ago.

His request received no official response, the senator said, but now that China has opened its borders to some American visitors, he would like to go.

McGovern will travel to Laurel and Norfolk Saturday for meetings with farmers and party leaders in northeast Nebraska, then return to Omaha for a reception with labor leaders.

On Sunday, the senator will mine the vote-rich Democrat precincts of Omaha through a series of private meetings, a campaign dinner and an afternoon reception at Elmwood Park.

Approved For Release 2001/03/04 : CIA-RDP80-01601R0

PARKERSBURG, W.VA.

NEWS

JUL 16 1971

M - 19,095

S - 33,939

Unshrouding More Secrecy

Two unrelated bills each aimed at imposing a greater measure of restraint on the Central Intelligence Agency, now are before Congress.

One, introduced by Senator Cooper, Kentucky Republican, would require the agency to make its report available for Congressional scrutiny. The 1947 law which created the CIA does not forbid such inspection, but makes no specific provision for it.

The other bill, offered by Senator McGovern, South Dakota Democrat, would require the appearance of all CIA appropriations and expenditures in the budget. What the CIA spends and how it is spent now are concealed in the appropriations for various other agencies.

Ever since it was created the Central Intelligence Agency has been a mys-

terious arm of the Government so far as the public is concerned, operating in a cloak-and-dagger atmosphere. How useful it has been nobody not intimately acquainted with the administration of foreign policy knows. The suspicion, however, is strong — nurtured no doubt by the very secrecy that cloaks its operations — that it has been a meddlesome irritant in international affairs, getting the Nation into more foreign entanglements than it kept it free of.

Whether or not either or both of the measures here referred to should be enacted, the purpose back of them — stripping away some of the secrecy from this particular agency's activities, and bringing foreign affairs in general under greater Congressional control — is one of which most citizens, we believe, will approve.

S 11688

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

Miners work hard to supply our Nation with the coal which is used to generate power. Theirs is a dangerous profession, and many of those fortunate enough to survive die slowly of pneumoconiosis—the occupational disease that slowly incapacitates and finally kills. The proposal I introduce today is intended to insure that these men receive the disability payments they deserve.

By Mr. HUMPHREY:

S. 2290. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

JOINT COMMITTEE ON NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I am introducing a bill today which would establish a permanent Joint Congressional Committee on National Security.

I believe this committee will enable Congress to address itself in a more comprehensive way than ever before to a thorough and ongoing analysis and evaluation of our national security policies and goals.

I propose that the committee have these main functions:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the world, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to review, study and evaluate the "Vietnam Papers," and other documents, whether published heretofore or not, covering U.S. involvement in Vietnam.

Third, to study and make recommendations on Government practices of classification and declassification of documents.

Fourth, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

For too many years, the Congress has had inadequate information on matters concerning national security. We in the Congress have had to accept partial information, often in limited context, and as a result have been unable to weigh the total picture.

It is often difficult for Congress to obtain adequate disclosure of Government documents. On several important occasions heads of the Defense and State Departments and members of the National Security Council have claimed executive privilege and have refused to answer congressional inquiries on matters concerning our national security.

While the President and key Government officials meet occasionally with the leaders of the Senate and the House of Representatives on an informal basis, there is no forum for a regular and frank exchange between the Congress and the executive branches on the vital issues affecting our national security. I am particularly sensitive to this missing link, having had the special experience of serving as a U.S. Senator for 16 years and as Vice President for 4 years.

The Joint Committee on National Security would provide that link.

It would function in the national security field in a manner comparable to the Joint Economic Committee, which conducts a systematic review and analysis of the President's Annual Economic Report.

Its unique feature would be the composition of its membership. It would have representation from those individual and committee jurisdictions that have primary responsibility in military, foreign relations and congressional leadership.

It would include the President pro tempore of the Senate; the Speaker of the House; the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, and Armed Services, and the Joint Committee on Atomic Energy.

It would not usurp the legislative or investigative functions of any present committees, but supplement and coordinate their efforts in a more comprehensive framework.

Nor is it designed to usurp the President's historic role as Commander in Chief, or to put the Congress in an adversary relationship with the executive branch.

It is, rather, a new body, to be composed of members of both parties and both Houses of Congress, that will make possible closer consultation and cooperation between the President and the Congress.

In recent years, we have seen a gradual isolation and insulation of power within the executive branch. The Constitution, I suggest, intended something quite different when it called for a separation of powers.

I believe the divisiveness and the search for scapegoats generated by publication of the "Vietnam papers," is at least in part a result of this isolation.

We have not had the mechanism in our national security apparatus for adequate consultation between the two branches in the formulation of national security policy.

This point is illustrated very convincingly in Mr. Stephen Rosenfeld's article which appeared July 9 in the Washington Post.

Mr. President, I would like to quote from that article as it relates to the point I have been discussing and ask unanimous consent that the entire article be printed in the RECORD.

In discussing our Vietnam experience, Mr. Rosenfeld suggests that "national security is too important to be left to the national security apparatus."

The remedy he offers is in line with my own thinking. We must have an amount of institutional change "by public demand and if necessary by legislation, the executive branch must be required to share some part of the special information and to surrender some part of the initiative which it now commands in the conduct of foreign affairs."

There are reasons for the concentration of power which has developed within the executive branch which are quite understandable considering our experi-

ence in World War II and afterward, but times change, and so must our institutions and responses.

In an article in Foreign Affairs, July 1959, I expressed my concern over this development. I noted that the Congress "with its power of the purse, and through the right to investigate, to criticize, and to advocate—does exert a significant influence on the quality and direction of U.S. foreign policy."

I found that the Congress must have its own vehicle for educating itself and expressing ideas on this question and the more general issue of national security.

Such independent expertise is absolutely necessary if the House and Senate are to fulfill their Constitutional responsibility of surveillance and initiative. Without competent independent sources of fact and wisdom they cannot make discriminating judgments between alternative programs and proposals.

I, therefore, suggested that "the Congress prompt the executive to put its house in order by itself creating a Joint Committee on National Strategy, to include the chairmen and ranking minority members of the major committees of the House and the Senate."

Such a committee's purpose would be to look at our total national strategy—military, political, economic and ideological. This committee would not usurp the functions of any of the present committees, but supplement them by endowing their work with a larger frame of reference.

The Chairmen of the Committees represented would come away from the meeting of the new Joint Committee with a greater appreciation, for instance, of the relationship between fiscal policy and national productivity and how both factors relate to our defense posture and our negotiating position. Responsible statesmanship consists precisely in the capacity to see complex relationships in a perspective as broad as the national purpose itself.

Mr. President, I made that proposal in 1959. Had it been adopted, perhaps the history of the past 12 years might have been different. I cannot help but believe that if we had shared more fully in momentous decisions, like those in Vietnam, we would be less divided as a nation by the bitterness and hatreds that confront us today.

But I submit, Mr. President, that now is not the time for regrets. It is a time for careful and responsible decision; it is a time to adapt our institutions to change; above all, it is a time to act.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities.

The executive branch, recognizing the deep interrelationships between issues of foreign affairs, military policy, and some crucial domestic issues prepared itself to fulfill its responsibilities to the Constitution by forming a National Security Council.

It is fitting, therefore, that the Congress adopt a similar, parallel and counterpart mechanism: a Joint Congressional Committee on National Security, which could draw on the experience and expertise of legislative leaders in various national security areas.

Our existing congressional committees lack coordination. The joint committee

STATINTL

STATINTL

GREENWICH, CONN.
TIME

E - 12,881

JUL 15 1971

Keeping Tabs

The problem of making Congress privy to the operations of the Central Intelligence Agency without impairing its effectiveness is not a simple one. The CIA has traded on this circumstance in the past, using it to head off any serious move for congressional surveillance of CIA operations and spending.

Some reasonable compromise ought to be arrived at, however. In recent years it has become increasingly evident that the super-secret agency -- so secret that Congress had only the roughest idea of its expenditures and virtually no information about what it did until after the fact --

engages in clandestine activity about which the most serious questions can be raised. There have been indications that the CIA may manipulate internal affairs of other countries and even engage in military operations -- all without the knowledge, let alone the consent, of Congress.

As noted above, the difficulties posed by the nature and function of the CIA are not the sort that can be easily dealt with. The intelligence agency cannot be an open book; that would render it ineffective. It would be unrealistic to make public reports on what the CIA is currently involved in.

The bill introduced by Sen. John Sherman Cooper of Kentucky would not demand this, however. It would require that Congress, through its appropriate committees, be kept informed by being supplied with current CIA activity reports. Cooper's rationale in offering the legislation is sound: he argues that at present Congress must make important national security judgments without having access to anything like all the pertinent data.

Cooper's is not the only bill to address itself to this subject. In a concerted effort to bring the matter to head, Sens. Clifford P. Case of New Jersey and George McGovern of South Dakota also introduced measures. Three offered by Case are designed, he told his colleagues, "to place some outside control on what has been the free-wheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars."

McGovern's bill would let Congress in on how much is spent by the CIA, and would bar the present practice of concealing an undetermined amount of CIA funds in appropriations for other agencies.

Congress ought clearly to proceed with care in evaluating these measures. It must steer a course between the advantages of having more knowledge on which to base foreign policy decisions and the drawbacks of exposing sensitive intelligence operations to scrutiny. This will be difficult, but it is not impetus of legislative proposals. Somehow the dangerous practice of treating the CIA as if it were wholly exempt from review must be halted.

ST. PAUL, MINN.
DISPATCH

E - 130,292
JUL 13 1973

Editorials

Controls for the CIA

STATINTL

Two Republican senators, John Sherman Cooper of Kentucky and Clifford Case of New Jersey, have introduced separate bills to give Congress greater control over activities of the Central Intelligence Agency. In the present state of public opinion, their proposals may have a better chance of approval than similar efforts made in past years.

The CIA finances (from taxpayer money) and directs mercenary armies of hired Asian soldiers in Laos and has been active in the political and military affairs of Cambodia and Thailand. It has engaged in behind-the-scene operations in South Vietnam. What other political intrigues it may be running elsewhere in the world are unknown to members of Congress and to the public.

Sen. Cooper's bill would require the CIA to keep Congress more fully informed "to enable the Congress to be better able to share with the Executive Department its responsibilities in making national security policies."

Sen. Case is more specific. He would limit covert use of funds and military equipment by the CIA for supporting foreign troops in Laos or

elsewhere without prior approval by Congress. He said his purpose is "to place some outside control on what has been the free-wheeling operations of the Executive branch in carrying on foreign policy and even waging foreign wars."

Both Cooper and Case are, in essence, trying to restore lost congressional influence in foreign affairs and to restrict secret interventionism. The CIA has legitimate functions as an intelligence gathering agency, but over the years it has moved into other fields, including the implementing of its own recommendations of international policy by hiring foreign armies to do its bidding, as in Laos.

In the CIA, as in other branches of the Executive Department, the combination of power, secrecy and practically unlimited funds has produced the potential for dangerous involvements in foreign affairs. Congress should assert its right to fuller knowledge of CIA operations. As the Pentagon papers have shown, too much authority in the hands of a few men constantly shielded from public view and accountability is not suited to the democratic form of government.

S 10700

Approved For Release 2001/03/04 : CIA

CONGRESSIONAL RECORD - SENATE

July 12 1971

evidence presented is substantially the same as that presented earlier.

Subsection (e) permits a subsequent board unlimited by previous findings or recommendations only if fraudulent evidence submitted by the respondent formed the basis in whole or in part for the findings of the first board.

Section 964(a) prescribes the standards for the types of discharges permitted.

Subsection (b) provides that a member discharged for unsuitability may receive an honorable or general discharge based upon his military record considered in the light of his mental and physical capabilities.

Subsection (c) authorizes an undesirable discharge on the grounds of misconduct after a civil conviction for a crime involving narcotics or sexual perversion, where State law authorizes imprisonment for one year or more; after conviction of a crime classified as a felony under title 18, United States Code, or the District of Columbia Code, or for which the Uniform Code of Military Justice authorizes the award of a punitive discharge; or after conviction of a crime of sexual perversion for which the respondent was adjudicated a juvenile offender.

Subsection (d) authorizes a discharge for misconduct for unauthorized absence of more than one year or for fraud or misrepresentation at the time of enlistment which if known at the time would have resulted in the rejection of the member by the service.

Subsection (e) authorizes an undesirable discharge on the grounds of unfitness based upon frequent involvement with authorities, sexual perversion, a pattern of shirking duties, or a pattern of dishonorable failure to pay debts.

Subsection (f) authorizes an undesirable discharge on the grounds of security.

Subsection (g) permits the issuance of a discharge other than undesirable, in cases where the respondent has received a personal decoration by his service, or where otherwise warranted by the facts of the case.

Subsection (h) prohibits the execution of a discharge for misconduct for civil conviction if an appeal is still pending unless the Judge Advocate General of the service certifies that the appeal is frivolous or without merit. If a discharge is executed prior to the final disposition of the appeal and the appeal later results in the member not having been legally convicted of a felony, he must receive all pay and benefits he would have received if he was not so discharged. An undesirable discharge so issued shall be changed to a general or honorable discharge, and a general discharge may be changed to an honorable discharge if warranted by the individual's record.

Section 965 authorizes honorable or general discharges based upon grounds other than those prescribed in this chapter, as prescribed by law or provided in regulations issued by the Secretary of Defense.

Section 966 authorizes the Secretary of Defense to issue regulations providing for the review of discharge actions to determine that all proceedings were fair and impartial and that they were conducted consistent with the provisions of the chapter. No decision on review may be less favorable than the action ordered by the discharge authority. Review by the Court of Military Appeals may be obtained. No decision upon review by the Court may be less favorable than the action ordered by the discharge authority.

Section 3 conforms the table of chapters of subtitle A, title 10, United States Code to the changes made by the addition of chapter 48.

Section 4(a) amends section 867 of title 10 to provide for review by the Court of Military Appeals of cases in which petition for review is made under section 966(b).

Subsection (b) limits review of such cases to issues of law specified in the grant of review or raised by the armed force.

Subsection (c) specifies that cases reviewed by the Court of Military Appeals are to be returned to the reviewing authority specified by section 966(a) for further consideration or action in accordance with the decision of the court.

The other subsections of section 4 make technical changes in accordance with these provisions.

Section 5 provides for the amendment of section 867(b)(4) to authorize the representation by appellate military counsel of respondents whose cases are before the Court of Military Appeals.

Section 6 adds the definition of "respondent" to section 801.

Section 7 makes section 266 of title 10, relating to the composition of boards for appointment, promotion, demotion and involuntary release of Reserves, subject to the provisions of chapter 48.

Section 8 amends section 1161 of title 10, relating to dismissals of commissioned officers, to provide that no commissioned officer may be discharged for reasons of misconduct, unfitness, or security under conditions other than honorable, except pursuant to chapter 48.

Sections 9-11 amend sections 1161-1165 of title 10 to make discharges under these provisions subject to provisions of chapter 48.

Section 12 amends section 1166 of title 10 to require that in actions considering the separation of regular warrant officers the burden of justifying the separation is on the government.

Section 13 amends sections 3781, 3782, 3783 and 3785 of title 10 to require that in the proceedings of selection boards, board of inquiry, and boards of review considering the removal of regular commissioned officers because of substandard performance of duty, the burden of justifying the removal is on the government. All rights and procedures set forth in chapter 48 govern these proceedings.

Sections 14-15 make similar changes with respect to such boards considering the removal of general officers.

Section 16-20 make similar changes in the sections of title 10 concerning analogous proceedings in the Navy, Marine Corps, and the Air Force.

Section 21 amends sections 321-323, and 325 of title 14, United States Code, to make similar changes in analogous proceedings in the Coast Guard.

Section 22 provides that the amendments made by the Act are to be effective on the first day of the sixth calendar month following the month in which it is enacted.

By Mr. CASE:

S. 2251. A bill to provide that the President notify Congress of his intention to exercise certain special authorities under the Foreign Assistance Act of 1961, Referred to the Committee on Foreign Relations.

NOTICE TO CONGRESS OF FOREIGN MILITARY OR ECONOMIC ASSISTANCE TRANSFERS

Mr. CASE. Mr. President, I am today introducing legislation which would require the President to give Congress advance notice of money transfers within the foreign military and economic assistance programs.

I have long been concerned by the so-called "flexibility" written into the Foreign Assistance Act. The President now has authority to shift large amounts of money programmed for one country to another country, with the proviso that he notify Congress within 30 days.

Thus, the law as presently written allows the administration to make a significant commitment to a foreign coun-

try without including either the Congress or the public in the debate.

Under this authority, the administration shifted nearly \$100 million to the Cambodia Government during 1970. The largest portion of this transfer was made before the 1970 elections, but Congress was not notified until the end of November.

I firmly believe that such a large commitment of U.S. Government funds to Cambodia should have been widely discussed in advance, for it involved a significant step toward our becoming en-

try in that country.

Then in December 1970, the administration came to Congress for a large supplemental foreign aid appropriation, and we were asked to vote money for those other aid programs from which money had been borrowed in order to send the nearly \$100 million to Cambodia.

Frankly, I was disturbed by the whole process, and that is why in December I introduced with Senator SYMINGTON an amendment requiring the President to give the Congress advance notice of aid increases in Cambodia. Happily, the Case-Symington amendment was accepted by the Congress and then signed into law by the President.

But in the case of Cambodia, almost all the horses had escaped by the time we got around to closing the barn door.

So in the future, I am proposing that the President give the Congress 30 days advance—or 10 days in case of an emergency—before he shifts scheduled levels of foreign military or economic assistance funds to any country.

If decisions are to be made that affect our country's foreign policy, let them be made with full congressional and public knowledge prior to the event—not 30 days after the fact.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 652 of the Foreign Assistance Act of 1961, as added by section 8 of the Special Foreign Assistance Act of 1971, is amended to read as follows:

"**SEC. 652. Limitation Upon Exercise of Special Authorities.**—The President shall not exercise any special authority granted to him under section 506(a), 610(a), or 614(a) of this Act unless the President, at least thirty days (or 10 days if he certifies, in addition, that the national interest requires it) prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

Sec. 2. The last sentence of section 506(a) of the Foreign Assistance Act of 1961 is repealed.

By Mr. CASE:

S. 2252. A bill limiting the total amount of excess defense articles that all Government agencies may make available to foreign countries;

ASHLAND, KY.

INDEPENDENT

JUL 12 1971

E - 22,735

S - 23,582

Keeping Tabs On The CIA

The problem of making Congress privy to the operations of the Central Intelligence Agency without impairing its effectiveness is not a simple one. The CIA has traded on this circumstance in the past, using it to head off any serious move for congressional surveillance of CIA operations and spending.

Some reasonable compromise ought to be arrived at, however. In recent years it has become increasingly evident that the super-secret agency--so secret that Congress had only the roughest idea of its expenditures and virtually no information about what it did until after the fact--engages in clandestine activity about which the most serious questions can be raised. There have been indications that the CIA may manipulate internal affairs of other countries and even engage in military operations--all without the knowledge, let alone the consent, of Congress.

As noted above, the difficulties posed by the nature and function of the CIA are not the sort that can be easily dealt with. The intelligence agency cannot be an open book; that would render it ineffective. It would be unrealistic to make public reports on what the CIA is currently involved in.

The bill just introduced by Sen. John Sherman Cooper of Kentucky would not demand this, however. It would require that Congress, through its appropriate committees, be kept informed by being supplied with current CIA activity reports. Cooper's rationale in offering the legislation is sound: he argues that at present Congress must make important national security judgments without having access to anything like all the pertinent data.

18/03/04 1971
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STATINTL

Many In Congress Happy To Stay Ignorant

Some Want Information, But House Voted To Keep Status Quo

By GENE OISHI

Washington Bureau of The Sun

Washington — Does Congress really want to know everything the United States government does?

On balance, the answer is probably no, despite a renewed drive in Congress to dislodge foreign policy secrets from the executive branch.

Resolution Rejected

In fact, the House last week rejected, 261 to 118, a resolution asking the State Department for documents related to U.S. bombing and CIA operations in Laos.

Representative Joe D. Waggonner, Jr., (D., La.) said during the debate: "There are some things that some people in this country had better not know for the security and future well-being of this country. Therefore, they [the administration] must keep some information from me and they must keep some information from you for the benefit of the future security of this country. It is better that information as a rule be overclassified than underclassified."

Mr. Waggonner also expressed a widely held view that some members of Congress, if given secret information, could not resist the temptation of leaking some of it "to the New York Times or some other whistle blower."

The debate underscored a tacit assumption long held in Congress that the country is better served if legislators—except for a select few—are not told of everything the United States has done or is currently doing in the field of foreign affairs.

Being Challenged

This assumption, however, is now being challenged, unsuccessfully in the case of the House resolution asking for more information on Laos.

But an even more sweeping bill has been introduced in the Senate by John Sherman Cooper (R., Ky.), who wants to give every member of Congress regular access to all intelligence reports and analyses prepared for the executive branch by the CIA.



SENATOR COOPER
Seeks more disclosures

Mr. Cooper is one of the most highly regarded members of the Massachusetts Republican, was quoted recently as saying when he was some importance in its club-like atmosphere in which the success or failure of a bill can hinge on who its sponsor is.

But Senator Cooper—a senior member of the Foreign Relations Committee—must get his bill through the Armed Services Committee, which together with the Appropriations Committee has jurisdiction over the CIA. And even without national security considerations, congressional committees instinctively resist encroachment upon their areas of competence.

The last time an attempt was made to break the Armed Services Committee's lock on the CIA was in 1966, when then Senator Eugene J. McCarthy (D., Minn.) made a comparatively modest proposal to create a special CIA committee, made up of representatives of Armed Services, Appropriations and the Foreign Relations committees.

The late Senator Richard B. Russell (D., Ga.), then chairman of the Armed Services Committee, blocked the bill from coming to a floor vote on a procedural point, effectively killing the measure.

The Cooper bill is not likely to get far in the legislative process either. Aside from the jurisdictional problems, most members of Congress appear to be ambivalent about it, adding that it is not much.



RICHARD HELMS
Knows all the secrets

Leverett Saltonstall, a Massachusetts Republican, was quoted recently as saying when he was a member of the Senate: "They [the CIA] do things I'd just as soon not know about."

Richard Helms, Director of Central Intelligence, at least once a year gives separate intelligence briefings to small groups within the Armed Services and Appropriations committees in both houses of Congress and even to the full Senate Foreign Relations Committee, even though it does not have direct jurisdiction over the agency.

The annual briefings, according to congressional sources, consist of "around-the-world" assessments of the United States' military and intelligence posture. Other special briefings might deal with such topics as deployment and strength of Soviet nuclear missiles.

George H. Mahon (D., Texas), chairman of the House Appropriations Committee, and F. Edward Hebert (D., La.), chairman of the House Armed Services Committee, said, as did Senate sources, that Mr. Helms has never refused to answer a question during these briefings.

Mr. Hebert said there was only one exception, when he instructed Mr. Helms not to answer a question put to him by a member of his panel.

"I took it on my own responsibility," Hebert said, adding, "and, of course, I won't tell you what the question was."

Of Secrets

Senate sources indicate that senators, too, impose a certain amount of self-censorship during these intelligence briefings. One source said he has never heard a question pertaining to the so-called "dirty tricks" aspect of CIA operations.

"For example," he said, "we've never asked, 'Mr. Helms, how many people did you lose in your clandestine service last year?' Maybe we should ask it, but we never have."

But it is virtually impossible to ascertain precisely what even the select few who attend CIA briefings know about the agency's activities.

As Mr. Mahon, the Appropriations chairman, notes, he picks only those "who won't talk." Then, he refused to say who they are.

He said he was opposed to the Cooper bill, saying, "If you give it [CIA information] to every member of Congress it would be like giving it to the New York Times."

Chairman Hebert of Armed Services questioned the need to know everything.

"I don't know everything," he said, "and I'm not bitching about it."

On the other side of the issue, critics of the present system say that congress had deliberately remained ignorant to avoid responsibility.

Representative Benjamin S. Rosenthal (D., N.Y.) said during the House debate last week: "I fear Mr. Speaker, that many of us did not want to know all of the facts of our involvement in Vietnam in 1965 or 1968 or even yesterday. I think that the Congress has remained much too long in self-imposed insulation . . . We feared that more knowledge would mean more responsibility for us."

Others argued that the information the House was seeking was already well known to the enemy so it could not be withheld for national security reasons. As the House vote indicated, they represented a minority view.

For the moment, at least, the House does not want to share fully in executive branch secrets.

12 JUL 1971

STATINTL

To Curb Secret Warmakers

Distasteful as it may be, the survival of any society, totalitarian or free, depends to some degree upon the quality and quantity of information it is able to accumulate about the military plans and capabilities of potential adversaries. But a broad chasm separates the business of espionage and those of diplomatic maneuvering or military operations and it is its routine disregard of this essential division that has prompted critics both in and out of Government to question the activities of the Central Intelligence Agency.

As a matter of ordinary course, the CIA reportedly meddles in domestic affairs of other countries, setting up a coup here, shoring up a "sympathetic" government there—activities which are conducted with neither public mandate nor knowledge. The CIA even wages war on what can only be presumed to be largely its own initiative. Some 3000 Thai troops under CIA supervision are fighting in Laos, a country whose neutrality this Government ostensibly respects.

Senator Case has introduced legislation to prevent the CIA from financing military operations without congressional authorization. Mr. Case says his purpose is to prevent the CIA and the Defense Department from making "end runs around the Cooper-Church and Fulbright amendments," which prohibit the use of American ground forces in Laos or Cambodia and the use of Pentagon funds to provide military support to the governments of those nations.

The case for the measure, however, is not confined to our clandestine activities in Indochina, for there is no justification for the CIA to carry out military operations anywhere without congressional approval. The CIA budget, estimated to be as much as a billion dollars, is hidden among the routine budgets of various federal agencies. Espionage funds may well have to be kept under cover but Congress must insist that the CIA confine its activities to gathering information and not expand them to the point of making war.

Congress Turns to the CIA

STATINTL

Congress, in its continuing Vietnam-inspired effort to break the Executive's near monopoly of powers in foreign affairs, is now tackling the Central Intelligence Agency. This is understandable, and was to be expected, too. The agency's powers are great—or so one suspects; no one representing the public is really in a position to know. Yet because it operates under virtually absolute secrecy, it does not receive even that incomplete measure of public scrutiny which the Defense and State Departments undergo.

The proposals in Congress affecting the CIA fall into two categories. Those in the first category start from the premise that the CIA is essentially an operations agency and an ominous one, which is beyond public control and which must somehow be restrained—for the good of American foreign policy and for the health of the American democratic system alike.

So Senator Case has introduced legislation to prevent CIA from financing a second country's military operations in a third country (e.g., Thais in Laos) and to impose on the agency the same limitations on disposing of "surplus" military materiel as are already imposed on Defense. The thrust of these provisions is to stop the Executive from doing secretly what the Congress has forbidden it to do openly. Unquestionably they would restrict Executive flexibility, since the government would have to justify before a body not beholden to it the particular actions it wishes to take. The advantage to the Executive would be that the Congress would then have to share responsibility for the actions undertaken. Since these actions involve making war and ensuring the security of Americans, if not preserving their very lives, we cannot see how a serious legislature can evade attempts to bring them under proper control.

Senator McGovern's proposal that all CIA expenditures and appropriations should appear in the budget as a single line item is another matter. He argues that taxpayers could then decide whether they wanted to spend more or less on intelligence than, say, education. We wonder, though, whether a serious judgment on national priorities, or on CIA's value and its needs, can be based on knowing just its budget total. In that figure, critics might have a blunt instrument for polemics but citizens would not have the fine instrument required for analysis.

In the House, Congressman Badillo recently offered an amendment to confine the CIA to

gathering and analyzing intelligence. This is the traditional rallying cry of those who feel either that the United States has no business running secret operations or that operational duties warp intelligence production. The amendment, unenforceable anyway under existing conditions, lost 172 to 46, but floor debate on it did bring out a principal reason why concerned legislators despair of the status quo: Earlier this year House Armed Services chairman Hebert simply abolished the 10-man CIA oversight subcommittee and arrogated complete responsibility to himself. Congressman Badillo is now seeking a way to reconstitute the subcommittee. This is a useful sequence to keep in mind when the agency's defenders claim, as they regularly do, that CIA already is adequately overseen by the Congress.

Between these proposals and Senator Cooper's, however, lies a critical difference. Far from regarding CIA as an ominous operational agency whose work must be checked, he regards it as an essential and expert intelligence agency whose "conclusions, facts and analyses" ought to be distributed "fully and currently" to the germane committees of Congress as well as to the Executive Branch. He would amend the National Security Act to that end. His proposal is, in our view, the most interesting and far-reaching of the lot.

To Mr. Cooper, knowledge is not only power but responsibility. A former ambassador, he accepts—perhaps a bit too readily—that a large part of national security policy is formulated on the basis of information classified as secret. If the Congress is to fulfill its responsibilities in the conduct of foreign affairs, he says, then it must have available the same information on which the Executive acts—and not as a matter of discretion or chance but of right. Otherwise Congress will find itself again and again put off by an Executive saying, as was said, for instance, in the ABM fight, "if you only knew what we knew . . ." Otherwise Congress will forever be running to catch up with Executive trains that have already left the station.

The Cooper proposal obviously raises sharp questions of Executive privilege and of Executive prerogative in foreign policymaking—to leave aside the issue of keeping classified information secure. But they are questions which a responsible Congress cannot ignore. We trust the Cooper proposal will become a vehicle for debating them in depth—and in public, too.

ST. LOUIS, MO.
POST-DISPATCH

STATINTL

E - 326,376
S - 541,868

JUL 11 1971

New Curb Sought On War Powers

By LAWRENCE E. TAYLOR
A Washington Correspondent of the Post-Dispatch

WASHINGTON, July 10.

A SECOND ATTEMPT to limit presidential power to wage undeclared war and to conduct foreign policy in secrecy is being readied by Senator Thomas F. Eagleton.

The Missouri Democrat, author of a bill that would sharply define the President's ability to commit troops to combat abroad, is preparing another measure. It would require the Chief Executive to keep Congress informed on changes in the American military posture in other countries.

His concern in these areas has put Eagleton in the forefront of congressional efforts that seem headed for a collision with the Nixon Administration over the constitutional limits of power.

As seen by Eagleton, the two bills, if they become law, would restore to Congress some of the power in making war and directing foreign policy that has slipped away over the years.

HIS PROPOSAL for limiting presidential war powers is one of five before the Senate Foreign Relations Committee for study.

On July 27, Eagleton is scheduled to appear before the committee. He is expected to outline his ideas for seeing

that Congress has the information it needs.

"If Congress is to share in the judgment-making process, the only way it can do so is to share on an intelligent, informed basis," he said.

His bill, still in the discussion stage, would require the President to tell Congress whenever he is about to make "an overt move or decision or deployment that would affect United States relationships in the world," Eagleton said.

The idea is to ensure "a continuing dialogue" with Congress without resorting to nit-picking details, the Senator said.

"I don't think we need to be told if a new PX has been opened in Saigon, but I think we ought to know if the President

sends 10,000 men to an air base in Spain," Eagleton said.

Such information might be submitted to the Foreign Relations Committee, rather than the Senate as a whole, he said.

IMPLICIT IN Eagleton's thinking is that the President, in disclosing his intentions, would have to show the thinking behind them. Thus, Congress would have a chance to look over the shoulder of the Central Intelligence Agency, the Pentagon or any other agency that plays a key role in presidential decisions.

This clearly would have the effect of reducing the largely unpublished and little known influence of the CIA and the Pentagon in foreign policy, he said.

"If the Pentagon has only to convince one man, the President, of the wisdom of a certain policy, it is much easier than having to persuade the men who sit in Congress," he said.

The effort to reassert congressional power has met with stiff opposition from the Administration and is expected to encounter still more.

Secretary of State William P. Rogers and other Administration spokesmen have castigated the various war powers bills as attempts to tie the President's hands in making foreign policy.

IN JUNE, Thomas E. Kauper, a deputy assistant attorney general, told a Foreign Relations subcommittee that to the extent the war powers legislation "would attempt to narrow the President's constitutionally recognized prerogatives, it is unconstitutional."

The same arguments and more are expected to be raised against the information measure that Eagleton hopes to introduce later this year.

"The Constitution says that the making of war is to be a collective judgment process" involving Congress and the President, Eagleton said.

In Vietnam that process was largely sidestepped, with the result that congressional and public support faded, leaving the U.S. mired in a conflict that it could not win, he went on.

"Presidential power now is almost unlimited," he said. "These bills obviously would be a check on unilateral presidential power."

Approved For Release 2001/03/04 : CIA-RDP80-0160

CHICAGO, ILL.
SUN-TIMES

M - 536,108
S - 709,123

JUL 8 1971

CIA curbs pushed in Senate

By Thomas B. Ross

Sun-Times Bureau

WASHINGTON -- Legislation was introduced in the Senate Wednesday to require the Central Intelligence Agency to limit its covert operations, supply its estimates to Congress and disclose how it spends its money.

The bills reflected the two-fold reaction in Congress to the disclosures of the top-secret Pentagon history of the Vietnam War: praise for the CIA's 20-year record of sound assessments and concern with its clandestine maneuverings.

None of the bills is likely to receive the approval of President Nixon. Since the CIA was created in 1947, a succession of Democratic and Republican Presidents have treated the agency as their private source of information and a vehicle for performing "dirty tricks" outside the knowledge of Congress and the people.

Ever since the United States became involved in Vietnam in 1950, the CIA has produced intelligence estimates that would have been embarrassing to the incumbent President if they had been made available to the opposition party or leaked to the public.

For example, as The Sun-Times disclosed June 26, the CIA provided an estimate in 1969 that Mr. Nixon could have withdrawn immediately from Vietnam and "all of Southeast Asia would remain just as it is at least for another generation."

Similar CIA estimates, revealed by The Sun-Times and other newspapers, showed that Presidents Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy and Lyndon B. Johnson were consistently warned that the Saigon regime lacked broad popular support and that deeper U.S. involvement would be risky.

But the Pentagon papers also disclosed that, while the CIA's intelligence division was sounding the alarm, its plans division was conducting clandestine raids in North Vietnam and plotting first for and then against South Vietnamese President Ngo Dinh Diem.

Legislation introduced by Sen. Clifford Case (R-N.J.) would limit such operations and the use of covert funds and military equipment to support them without specific approval by Congress.

Case said his proposal is designed "to place some outside control on what has been the free-wheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars."

Sen. George S. McGovern (D-S.D.), only de-

clared presidential contender, offered the bill to require disclosure of the CIA's budget and prevent its money from being concealed in appropriations for other agencies.

It is reliably estimated that the CIA spends \$1 billion a year. An additional \$4 billion reportedly is spent by the Defense Intelligence Agency, the code-making and code-breaking National Security Agency, and the various military units that run the spy satellite program.

Sen. John Sherman Cooper (R-Ky.) introduced the bill to amend the National Security Act of 1947 so that the CIA would be required to supply its intelligence estimates to the House and Senate committees dealing with foreign affairs and the armed services.

Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1

CIA Report Bill Backed In Senate

By RICHARD DUDMAN
Chief Washington Correspondent
of the Post-Dispatch

WASHINGTON, July 8 — Senator John Sherman Cooper (Rep.), Kentucky, has obtained strong bipartisan backing for a proposal to require the Central Intelligence Agency to report to Congress as well as to the Executive Branch.

Cooper, a moderate opponent of the Vietnam War and of the antiballistic missile system, introduced his proposal yesterday as an amendment to the National Security Act of 1947, which created the Department of Defense, the National Security Council and the CIA.

Senators Stuart Symington (Dem.), Missouri, J. William Fulbright (Dem.), Arkansas, and Jacob K. Javits (Rep.), New York, announced their support for the measure on the Senate floor. Fulbright spoke of holding hearings on the proposal.

Symington, chairman of a foreign relations subcommittee on overseas commitments, told of difficulties he had had in obtaining full information about secret U.S. military preparations and operations abroad, including the clandestine warfare being conducted in Laos.

Symington noted that he was a member of the Foreign Relations, Armed Services and Joint Atomic Energy committees. He said that his best information had been obtained from the last of these, attributing that fact to a requirement in the Atomic Energy Act that the Atomic Energy Commission keep Congress "fully and currently" informed.

Cooper used that phrase in his proposed amendment on the CIA. An aid said that Cooper had found CIA information generally reliable on such matters as Soviet military preparedness and the Indochina War but had noted that it was rendered only in response to specific questions.

Under his amendment, the CIA would have to take the initiative in sending Congress its analyses of problems of foreign policy and national security.

The aid said that Cooper had been considering such a measure for several years. He said the publication of the Pentagon papers had demonstrated once more the value of CIA reports and probably had broadened support in Congress for a requirement to make them available.

In a Senate speech, Cooper proposed that the CIA be required to make regular and special reports to the House Armed Services and Foreign Affairs committees and to the Senate Armed Services and Foreign Relations committees. Additional special reports could be requested by the committees.

Any member of Congress or designated member of his staff would have access to the information. All such persons would be subject to security requirements such as those in the Executive Branch.

Cooper said that the best information should be available to the Executive and Legislative branches as a basis for national decisions involving "vast amounts of money, the deployment of weapons whose purpose is to deter war yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations."

Two other Senators offered proposals relating to the CIA.

George S. McGovern (Dem.), South Dakota, suggested that expenditures and appropriations for the intelligence agency appear as a single line item in the budget. Agency funds now are concealed in other items in the budget.

Three bills were introduced by Senator Clifford P. Case (Rep.), New Jersey, to limit covert use of funds and military equipment by the CIA for

fielding foreign troops in or elsewhere without specific approval by Congress.

Case said they were designed "to place some outside control on what has been the wheeling operation of the Executive Branch in carrying on foreign policy and even waging foreign wars."

Meanwhile, the House rejected a proposal that the Administration be required to



John Sherman Cooper

STATINTL

what the military and CIA were doing in Laos.

By a vote of 261 to 118, members tabled — and thus killed — a resolution introduced by Representative Paul N. McCloskey (Rep.), California, that would have ordered the Secretary of State to furnish the House with the policy guidelines given to the U.S. ambassador in Laos.

The ambassador has responsibility for overseeing the clandestine military operations in Laos aimed at assisting the royal Lao government in its struggle with the Pathet Lao.

William B. Macomber Jr., deputy under secretary of state, clashed yesterday with McCloskey over whether the Department of State was directing U.S. bombing attacks in Laos.

Macomber denied the allegation and suggested that if McCloskey wanted to pursue the issue he ought to invite an East Asia expert from the State Department to testify.

The exchange occurred as Macomber testified before a House foreign affairs subcommittee on ways to improve declassification of Government records by the State Department.

Macomber said 10 to 12 years' retention ought to be adequate to protect Government secrets while not being so long

8 JUL 1971

Approved For Release 2001/03/04 : CIA-RDP80-01601R00

Efforts to Quiz Macomber on Laos Raid Fail

By SHIRLEY ELDER

Star Staff Writer

Deputy Undersecretary of State William B. Macomber Jr. has declined to answer insistent questions from Rep. Paul N. (Pete) McCloskey, R-Calif., about U.S. bombing in Laos.

Macomber told a House freedom of information hearing yesterday he knows little of what goes on in Laos.

He said he was invited to testify about the State Department's system of classifying documents and any further effort to try and get him to talk about Laos would further strain relations between State and Congress.

McCloskey has been hammering at what he feels is a callous administration effort to hide a clandestine war in Laos from Congress and the public. He said each bombing strike in that country is personally controlled by the U.S. ambassador.

Rebuffed by House

Earlier yesterday, McCloskey, who has vowed to oppose President Nixon's bid for re-election next year if the war is not over, was rebuffed by his own colleagues in an information-gathering effort.

On a 261-118 vote, the House killed a McCloskey resolution that would have directed the secretary of state to tell Congress about U.S. involvement in Laos.

Then, by voice votes, the House tabled similar resolutions of inquiry seeking data about other U.S. activities throughout Southeast Asia.

One resolution sought copies of the once-secret Pentagon papers, which already have been made available on a top security basis, and another sought a report of the so-called Phoenix assault against Viet Cong agents.

7-Year War Claimed

McCloskey told the House that the United States has been at war in Laos for seven years and more bombs have been dropped in that one country than were rained on Nazi Germany.

But Rep. Peter H. B. Frelinghuysen, R-N.J., argued that the resolution was an unwise attempt to obtain highly sensitive information.

Although Macomber, in his testimony before the subcommittee headed by Rep. William Moorhead, D-Pa., declined to talk about Laos, he agreed that many State Department documents are over-classified.

Half of the approximately 400,000 documents accumulated at State each year, he said, are marked Top Secret, Secret or Confidential.

About 6,000 State Department officers have authority to classify documents, Macomber said, and some misuse that power to simply limit distribution of the papers involved.

He suggested there should be some kind of automatic system for declassifying documents after a period of time, perhaps 10 years.

A shorter declassification period—some have suggested two years—would be unrealistic, Macomber said, and just lead to new and bigger bureaucratic problems.

In the Senate, meanwhile, Sen. John Sherman Cooper, R-Ky., introduced legislation requiring the Central Intelligence Agency to provide Congress regularly with detailed intelligence information.

Cooper said Congress needed this kind of evaluation and analysis, now available only to the executive branch, in order to participate in the formation of foreign policy.

Two other senators also suggested proposals relating to the CIA.

Sen. George S. McGovern, D-S.D., suggested that expenditures and appropriations for the intelligence agency appear as a single line item in the budget. Agency funds currently are concealed in other budget items.

Sen. Clifford P. Case, R-N.J., said he would offer measures prohibiting such CIA activities as the funding of Thai troops to fight in Laos.

STATINTL

House of Representatives

WEDNESDAY, JULY 7, 1971

The House met at 12 o'clock noon. Rev. James Clark Brown, the First Congregational Church, San Francisco, Calif., offered the following prayer:

Let us pray.

Let us remember the words of our Lord Jesus Christ when He said: "Those unto whom much has been given, of them will much be required."

O God, mighty, merciful, mysterious, before whose judgments nations and individuals rise and fall, inspire the leaders and people of this land that we may more faithfully know and do Thy holy will. O God, there is a hunger in our land; a hunger for moral heroes; for men and women whose passion is to bring into being the kind of world where every privilege and dignity which is enjoyed by the few may be made available to be enjoyed by all people. To that end, direct, comfort, and guide Members of the Congress.

"O Thou, whose Spirit first fashioned life, Intending all creation Thy love to share,
Use us, O God, to do Thy work
Until the earth be fair."

Amen.

THE JOURNAL

THE SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND JAMES CLARK BROWN, OUR CHAPLAIN FOR TODAY

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, I am proud today that our opening prayer has been given by an Oklahoman whom I have known for many years, a young man who grew up in Okmulgee County in the city of Henryetta, and who once served here in the House of Representatives as one of the staff rendering faithful service to this country.

Today James Clark Brown is minister of the First Congregational Church of San Francisco, and carrying on there a great ministry.

Many Washingtonians will remember him as the pastor for a number of years of the Cleveland Park Congregational Church here in Washington, D.C. With his wife, Verne, and their lovely children, David Edmond and Edith Louise, he is doing a great work in the State of California.

Again I say I am proud and pleased that that he could be with us today in a place he has always loved, to lead the House of Representatives in today's devotions.

A SALUTE TO WADE LUCAS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, scarcely a day goes by without our national news media publicizing a conflict between Indians and civil authorities over the title to Federal property, alleged violations of legal or moral commitments or other basic differences of opinion.

It is refreshing to know that on Saturday day of this week, Mr. Wade Lucas, a constituent of mine will be visiting Niagara Falls, N.Y., as a guest of the Tuscarora Indians. While there, he will be made an honorary chief and, with the authority of Gov. Robert Scott of North Carolina, will sign a formal peace treaty with the Tuscarora Indian Nation.

I might add that Wade Lucas, unlike so many "Honorary Chiefs" we see at campaign time, is not a politician running for office and seeking to court favor with Indian voters. Instead, Wade is a retired newspaperman with no aim or purpose in mind other than to cement a personal and official friendship with these Indians which dates back to Memorial Day more than 8 years ago when he visited the Tonawanda Reservation in an official capacity as public information officer for the State of North Carolina under the administration of Gov. Terry Sanford.

The Tuscarora Indians of the Tonawanda Reservation are a lot like many other Americans of all races and creeds throughout our Nation. They respond warmly to a genuine show of friendship and interest. Wade Lucas' longtime personal friendship with them is the kind of "people to people" relationship which will solve our international differences if they are ever to be solved.

INTRODUCTION OF LEGISLATION INCREASING FEDERAL SHARE OF EMPLOYEES' HEALTH BENEFITS PROGRAM

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce a bill calling for increasing the Government's share of the Federal employees' health benefits program.

Under the present cost-sharing system, the Federal Government pays 40 percent of the basic cost of the health insurance of Federal employees.

This 40-percent figure was reached only last year. The House of Representatives had passed legislation calling for increasing the Government share to 50 percent, but after considerable pressure from the administration, including the threat of a Presidential veto, House-Senate conferees agreed to a reduced figure.

Mr. Speaker, I believe that the attitude of the administration may have changed in the course of the past year. On February 18 of this year, President Nixon called for private employers to provide 65 percent of the cost of basic health insurance coverage for employees as of July 1, 1973, and 75 percent of the total cost 3 years later.

The President based this appeal on the need to spread health insurance coverage to more of the Nation's citizens.

Mr. Speaker, I fully agree with the President on this matter.

Further, I believe it to be fully consistent and proper for the Federal Government to lead the way for the private sector in meeting the President's goal of 75 percent of the costs for employees' medical insurance.

I hope that the Retirement, Insurance, and Health Benefits Subcommittee, which I chair, will hold hearings on this important legislation in the very near future, and I am hopeful of administration support for this proposal, which incorporates the President's own suggestions.

DIRECTING THE SECRETARY OF STATE TO FURNISH TO THE HOUSE CERTAIN INFORMATION RESPECTING U.S. OPERATIONS IN LAOS

Mr. MORGAN. Mr. Speaker, I call up House Resolution 492 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 492

Resolved, That the Secretary of State, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, any documents containing policy instructions or guidelines given to the United States Ambassador in Laos for the purpose of his administration of those operations controlled or directed by the country team in Laos, between January 1, 1964, and June 21, 1971, particularly with regard to—

(1) covert Central Intelligence Agency operations in Laos;

(2) Thai and other foreign armed forces operations in Laos;

July 7, 1971

STATINTL

CONGRESSIONAL RECORD -- SENATE

S 10527

approximately \$70,000, much of which he used for the benefit of harassed debtors of the bank. This defendant was no motivated by personal gain in most of the embezzlement, instead he manipulated the books of the bank to cover up the accounts of delinquent depositors. The judge was on assignment from another district and imposed the sentence without securing even a presentence report by the probation officer.

In 1961, two bank embezzlers were committed to the same Federal institution from the same district within the same week. Yet, sentenced by different judges, one received a term of six months, to be followed by eighteen months probation, and the other received a term of 15 years.

The above are not isolated examples. In the fiscal year ended June 30, 1969, the average sentence for transportation etc. of stolen motor vehicles varied from 13.5 months in the District of Massachusetts to 48 months in the Southern District of Iowa and 50.5 months in the District of Minnesota. Terms for forgery ranged from an average of 12 months in the Southern District of Georgia to 70.3 months in the District of Kansas. In fact, the overall average of time imposed varied from 24.2 months in the Middle District of North Carolina and 23.1 months in the Western District of Wisconsin to 74.7 months in the District of Maryland and 75.3 months in the Northern District of Oklahoma.

By Mr. CRANSTON (for himself, Mr. MONTOYA, Mr. ALLOTT, Mr. MR. BAYH, Mr. BENSON, Mr. CHURCH, Mr. DOMINICK, Mr. GOLDWATER, Mr. HARTKE, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. McGOVERN, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. STEVENSON, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 2230. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle." Referred to the Committee on the District of Columbia.

BENITO JUAREZ CIRCLE

Mr. CRANSTON. Mr. President, on behalf of myself, Senator MONTOYA and our fellow cosponsors, I introduce today, a bill calling for the designation of a circle in Washington, D.C., as the Benito Juarez Circle.

Recently the Government of Mexico presented to this Capital City a magnificent statue of Benito Juarez, which stands on a grassy plot in the middle of the traffic circle formed by the intersection of New Hampshire and Virginia Avenues and 25th Street NW. The circle which grew out of urban redevelopment and the new street construction has no name.

Benito Juarez, a Zapotec Indian, led a revolt against the Spanish Conquistadors who continued to oppress the peasants long after the Republic of Mexico achieved independence. Juarez was an accomplished lawyer and served as Governor of Oaxaca before he became President of the Republic.

We believe that naming the circle would be appreciated by our neighbors to the south who have often honored our national leaders. It would also be a gesture of this Nation's esteem for a Mexican leader who is a hero to all Americans, North and South, who love freedom.

Mr. TOWER. Mr. President, I am pleased to join today in cosponsoring the bill which will designate the circle in the District of Columbia upon which the statue of Benito Juarez rests as Benito Juarez Circle. The Government of Mexico presented this statue to the United States as a gesture of friendship between our two people. Benito Juarez was a strong believer in freedom and the rights of the individual and a strong admirer of Abraham Lincoln, whose contemporary he was.

Benito Juarez stands as a symbol of what a man can do with determination. Against overwhelming odds, he fought against the French invasion of Mexico and the establishment of the empire. This occurred at the same time that we were experiencing the Civil War in this Nation. Sometimes nearly alone, he stood as a symbol of the hope of the eventual return to republican government in Mexico. Through his example and hard work, the Mexican people were eventually able to reassert their independence and chart their own destiny once again.

Benito Juarez made the Indians in Mexico part of the ruling class, being a Zapotec Indian himself. I believe that it is altogether fitting and proper that we honor Juarez in this fashion, for his example has meant much in this country as it has in his native Mexico. By honoring Juarez we honor all Mexicans everywhere who have given so much to the culture of our continent.

By Mr. McGOVERN:

S. 2231. A bill to require that appropriations be made specifically to the Central Intelligence Agency. Referred to the Committee on Armed Services.

CENTRAL INTELLIGENCE AGENCY

Mr. McGOVERN. Mr. President, I am introducing today a bill which would require that proposed appropriations, estimated expenditures and appropriations for the Central Intelligence Agency should be required to appear in the Budget of the United States. Each of these items would be shown as a single sum.

This bill would also prohibit the use of funds appropriated to any other department or agency of the United States from being spent by the CIA.

There can be no doubt that our Nation requires the services of a major intelligence agency—the function served by the CIA. And by the very nature of its activities, the CIA cannot afford to have its detailed programs made public through an itemized budget. But we have been led into a practice which is completely contrary to our democratic principles and perhaps to the Constitution itself by hiding the expenditures for this agency in the budgets of other government agencies.

The American people have a right to know the purposes for which their tax dollars are used. Their elected representatives have the right to decide the priorities of the Nation as expressed in the Federal budget.

The Federal Government provides the Nation with a supermarket of services, and the taxpayer should be able to decide how much he wants to spend on

each of the various items including intelligence.

But we cannot, at present, decide how much we want to allocate for intelligence activities. If the CIA budget were a single item in the budget of the United States, we would be in a position to judge if we wanted to spend more on intelligence operations and clandestine wars than on improvement of the environment or on education or even on other aspects of national defense.

Thus, one major purpose of this legislation would be to allow the Congress to exercise its constitutional powers over Federal finances by knowing where the administration proposed to allocate each tax dollar. This would not endanger national security, because the only choice available to Congress would be on national priorities—the CIA as opposed to other agencies and programs—not specific CIA activities.

Congressional oversight of the CIA would remain as at present.

I believe that CIA funding is now so substantial that such a single line item for the agency in the budget would not communicate usable information to potential adversaries. Indeed it would merely demonstrate what is already known—that the United States maintains a massive intelligence operation.

The second major purpose for the legislation is to allow Congress and the taxpayer to know the exact amount of money going into other Government programs. As it stands now, some Federal programs and agencies must have greatly inflated budgets in which CIA funds are hidden. As a result, we are led to believe that some programs are better financed than, in fact, they are. We have no way of knowing what these programs and agencies might be.

Personally, I am concerned that some of the money apparently allocated to American agriculture is CIA money. The needs of the American farmer are not adequately met as it is, although some people are critical of our farm support programs. If CIA funds are being hidden in agriculture funds, our debate over aid to agriculture is unreal.

I cite agriculture as an example. The same would be true of any agency or programs whose budget was the hiding place for CIA funds.

Because it is a matter of simple commonsense, I propose that the one hidden item in our budget be made subject to congressional and public scrutiny. We are talking about hundreds of millions of dollars. The people have not only the right but the need to know how their dollars are spent.

Mr. President, I ask that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2231

A bill to require that appropriations be made specifically to the Central Intelligence Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That commencing with the fiscal year beginning July 1, 1972—

(1) The Budget of the United States, sub-

ATLANTIC CITY, N.J.
JERSEY TIMES
JUL 21 1971
WEEKLY - 497

Clifford Case

Mueller has been said lately about the effort of Congress to reassert and redefine its authority in the field of foreign policy.

I am much interested in this, not as an exercise in congressional self-aggrandizement, but as a means of forcing our government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

Our recent history in Southeast Asia shows that wars approved by simply a handful of presidential advisors may well be not only unconstitutional but relatively unsuccessful, too.

Like most Americans, I have been shocked by the cynical manipulation of our political processes revealed in The New York Times series on the origins of the Vietnam War. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the

other side -- some apparently with the aim of provoking retaliation against us and our allies.

But I do not want to get into an extended post mortem on Vietnam. Our primary task should not be to engage in recriminations or assign blame but to bring an end to the war. That is why last year, and this year, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The term "secret war" has now come into our national vocabulary. We started off in Vietnam operating in secret and we are currently fighting a war in Laos in the same way. We are spending annually about \$350 million on the ground in Laos, not to mention an estimated \$2 billion to bomb that country of less than three million people. All this is done without any real congressional or public knowledge or approval.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion-dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And it has been the Central Intelligence Agency (CIA) which has been assigned to carry out the administration's policies such as the running of a 39,000-man private army and the funding of

Thai troops in Laos.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad.

This is why I have recently proposed three bills which would increase congressional control over certain CIA programs. These are:

1. A bill to extend all existing limitations on Defense Department funding such as the prohibitions against payment of mercenaries in Laos and the Cooper-Church provisions for Cambodia to all U.S. government agencies overseas, including CIA.

2. A bill to prohibit the funding by any U.S. government agency of foreign mercenaries operating outside their countries without specific congressional authorization. I would hope this would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia.

3. A bill to extend existing limitations on the use of military surplus materiel to all government agencies abroad, including CIA.

My three proposals would close some loopholes in the law. But the executive can find ways to skirt almost any prohibition, if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the executive of Congress and the public as partners in the conduct of the people's vital business.

JUN 29 1978

E - 50,927

S - 52,421



What Congress Can Do

By SEN. CLIFFORD P. CASE

Much has been said lately about the effort of Congress to reassert and redefine its authority in the field of foreign policy.

I am much interested in this, not as an exercise in congressional self-aggrandizement, but as a means of forcing our government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

Our recent history in Southeast Asia shows that wars approved by simply a handful of presidential advisers may well be not only unconstitutional but relatively unsuccessful, too.

Shocked

Like most Americans, I have been shocked by the cynical manipulation of our political processes revealed in The New York Times series on the origins of the Vietnam War. I believe that our country should

not go to war as a part of a carefully plotted scenario which involves secret attacks on the other side -- some apparently with the aim of provoking retaliation against us and our allies.

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Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And it has been the Central Intelligence Agency (CIA) which has been assigned to carry out the administrations' policies such as the running of a 30,000 man private army and the funding of Thai troops in Laos.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad.

Three Proposals

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3. A bill to extend existing limitations on the use of military surplus material to all government agencies abroad, including CIA.

My three proposals would close some loopholes in the law. But the Executive can find ways to skirt almost any prohibition, if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

STATINTL

Senator Would Bar CIA From Combat

Case Seeks To Prevent Secret Wars Fought
By Agency Behind Congress's Back

By GENE OISHI

Washington Bureau of The Sun

Washington, June 19—Senator Clifford P. Case (R., N.J.) announced today that he intends to introduce legislation to prevent the CIA from secretly engaging in military operations.

The legislation will be drafted as amendments to the foreign aid authorization bill, which is expected to reach the Senate floor next month. The series of amendments would:

1. Extend congressional restrictions on the use of Defense Department funds overseas to all government agencies, including the CIA.

Specific Authorization

2. Prohibit any U.S. government agency from financing military operations abroad without specific congressional authorization.

3. Extend the existing limitations on the use by the Defense Department of surplus arms to all government agencies.

Mr. Case said he did not believe his proposal would completely cut off the executive branch's ability to wage secret wars, but said he was approaching the matter "piecemeal" because he did not believe Congress was ready to pass more comprehensive legislation.

The reluctance of Congress to assert its full authority was demonstrated, he said, by the defeat in both houses earlier this week of legislation to impose a deadline for total withdrawal of U.S. forces from Indochina.

Foreign Mercenaries

The House, in fact, also rejected by a 172-to-46 vote an amendment similar to what Senator Case is proposing. The defeated amendment would have prevented the CIA from using Defense Department funds for conducting "paramilitary" operations or hiring foreign mercenaries to fight in Vietnam, Cambodia, Laos and Thailand.

Representative F. Edward Hebert (D., La.), chairman of the House Armed Services Committee, opposed the amendment, saying its enactment would be "very dangerous to the security of our country."

Mr. Hebert, as chairman of the Armed Services Committee, is one of a handful of congressmen who have access to information pertaining to the CIA.

While all CIA operations are officially secret, there have been numerous newspaper reports as well as statements by congressmen and senators on the agency's operations in Southeast Asia.

The most publicized activity of the CIA has been its operations in Laos, where the agency reportedly has equipped and trained a secret army of Meo tribesmen and now is supporting Thai mercenaries to fight there.

Without disclosing his sources, Mr. Case also suggested that the CIA is financing Cambodian troops in Laos as well as Thai troops in Cambodia.

He said he has also received reports that the CIA has relatively unrestricted use of surplus arms in its covert military operations.

Only Following Orders

"I do not direct criticism against the CIA," Mr. Case said, "for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish the CIA."

The rationale behind secret military and paramilitary operations is that the United States should have some means of militarily protecting its interests abroad, short of engaging in open warfare.

Mr. Case said that while he agreed that secret operations might in certain instances be useful he felt they were incompatible with "an open system of government."

STATINTL

TRENTON, N.J.

TIMES

E - 81, Approved For Release 2001/03/04 : CIA-RDP80-01601R
TIMES-ADVERTISER

S - 102,422

JUN 20 1971

STATINTL

Case Asserts CIA Is Funding Secret Laos War

By KNIGHT KIPLINGER

Times Washington Bureau

WASHINGTON -- Sen. Clifford P. Case (R-N.J.) charged yesterday that the Nixon administration is conducting a CIA-funded "secret war in Laos," the extent and cost of which is unknown to Congress and the American public alike.

The Senator made the charge while announcing plans to introduce three bills to "limit the executive's authority to wage a secret war" overseas without congressional approval.

One bill would extend to Central Intelligence Agency (CIA) activities similar requirements of congressional approval that now exist for Defense Department spending overseas.

The second bill, a broader version of the first, would prohibit funding by an U.S. government agency of the military operations of a foreign nation without congressional approval.

A third proposed bill would extend to all government agencies present limitations on the use of surplus military material by the Defense Department.

Case made the announcements in a brief speech before a meeting of the New Jersey Press Association at Spring Lake.

As A Preventative

He said he hopes his bills will "prevent our government from offering lavish inducements to foreign governments for the use of their troops" as mercenaries.

In a speech on the Senate floor May 20, Case said that the CIA is currently paying for the military operations of about 4,000-6,000 troops from Thailand operating in Laos.

In the same speech, which focused national attention on U.S. policy of funding Asian mercenaries, Case said CIA operations in Laos are a "widening of American involvement in Southeast Asia" and are a violation of the Cooper-Church Amendment.

The Cooper-Church legislation prohibits U.S. payment for the use of mercenaries in Laos or Cambodia, except to protect U.S. troops as they withdraw or to aid in the release of American POWs.

The senator has charged that covert CIA funding has enabled the administration to circumvent Congress' decrees against broadening the war.

Case estimated that nearly \$2.5 billion of U.S. money is being spent annually in ground and air operations in Laos.

Secret Briefing

Soon after Case's May speech, the Nixon administration sent officials up to Capitol Hill for an unusual closed-door briefing of the entire Senate on the subject of operations in Laos.

The briefing, Case said Saturday, was "incomplete and partially inaccurate, despite its secret classification which prevented it from being made known to the public."

He continued, "Even today the government tries to maintain a thick veil of secrecy over some of its programs in Laos."

The senator told the New Jersey Press audience he was "shocked by the cynical manipulation of our political processes revealed in the New York Times account of the McNamara study of the origins of the Vietnam War."

He said he believes the United States "should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side -- some apparently with the aim of provoking retaliations against us and our allies.

The "secret attacks" to which Case referred were the August, 1964, raids on North Vietnamese islands, revealed by the Pentagon study to have been executed by South Vietnam on the orders of U.S. officials in Saigon.

Tonkin Story

The raids provoked North Vietnamese attacks on a U.S. ship in the Gulf of Tonkin, which were used by the Johnson administration as a rationale for requesting the carte blanche powers that Congress extended in the Gulf of Tonkin resolution.

The truthfulness of the government account of the Gulf of Tonkin incident has long been disputed, with many authorities charging that the second of two alleged North Vietnamese attacks never occurred, but was later fabricated.

Case and 97 Senate colleagues, including all the major opponents of the war policy in subsequent years, voted for the Gulf of Tonkin resolution. The only two negative votes were cast by Sen. Wayne Morse (D-Oregon) and Sen. Ernest Gruening (D-Alaska), who were later defeated in reelection bids.

STATINTL

June 17, 1971

CONGRESSIONAL RECORD — HOUSE

E 5403

STATINTL

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

STATINTL

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 7, line 4, before the quotation marks insert the following new sentence: "Nothing in clause (A) or (B) of the first sentence of this paragraph or in the immediately preceding sentence shall be construed to authorize the use of any of such funds by the Central Intelligence Agency (or by any agency or person operating on behalf of the Central Intelligence Agency) to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any operation of the kind commonly called 'guerrilla warfare' operation) which will be executed by forces composed in whole or in part of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in clause (i) or (ii) who are under arms and are indigenous to any foreign country or area."

Mr. BADILLO. Mr. Chairman, this is a very specific amendment limiting the activities of the Central Intelligence Agency to the gathering of intelligence, and specifically prohibiting the Central Intelligence Agency from conducting guerrilla operations in Southeast Asia. The necessity for the amendment arises because the enabling act which created the Central Intelligence Agency provides that the CIA may perform "such other functions and duties related to intelligence and affecting national security as the National Security Council may from time to time direct."

There has been clear evidence from news accounts over the years, which I am sure all of you have read, that the Central Intelligence Agency is conducting guerrilla operations in Laos and Cambodia. This last week, as you know, the Senate had a secret session involving our activities in Laos and Senator SYMINGTON in the CONGRESSIONAL RECORD indicated as follows:

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Yesterday, my colleague the gentleman from California (Mr. WALDIE), questioned the chairman of the committee as to whether this bill specifically included funds for the Central Intelligence Agency, and the chairman answered that it does. The chairman also refused to say what the amounts were, and said that only he and the ranking minority member of the committee knew.

The gentleman from California (Mr. WALDIE) also asked the chairman as follows:

What is the purpose of the CIA activity in Laos?

The chairman answered as follows:

Mr. HEBERT. The activity of the CIA in all sections of the world, in Laos, the Middle

East and everywhere is the gathering of intelligence for the protection and security of the United States.

If that is the understanding of the activities of the CIA by the chairman, then he should be in support of this amendment, because all I am saying is that that should be precisely the activity of the Central Intelligence Agency, to gather information, and not to engage in guerrilla activities. But because we do not know exactly what funds are available either in this body or in the Senate, and we do not know exactly to what purpose they are being put, this amendment is prepared so that we can be sure that the activities are limited.

I seek only to insure that the activities of the Central Intelligence Agency be limited to those specified in the law, and that is to the gathering of intelligence. Certainly after the recent disclosures it becomes all the more important that we insure that the agencies of the executive department comply with the mandates of the Congress.

Even before the New York Times published parts of the Pentagon study of our involvement in the Vietnam war, it had become apparent that the CIA had literally been running the entire military operation in Laos, including the hiring, training, and leading of a mercenary army of Thais and Mao tribesmen and the tactical control of an air war which has made the Laotian people refugees in their own land.

As early as 1964, the CIA recruited Thai pilots to fly planes with markings of the Royal Laotian Government against Communist forces in Laos and there is evidence these Thai pilots are still flying missions in Laos, under CIA control and supervision. Reliable estimates given recently to the Senate indicate that the CIA currently is paying about 5,000 Thais to fight in Laos.

Enactment of this amendment is necessary if Congress is to regain some measure of meaningful control and oversight in the field of foreign affairs. Regardless of how individual Members might feel about the recent articles in the New York Times, it is clear that the nature and extent of our involvement in Southeast Asia has repeatedly been hidden from and misrepresented to the American people and their elected Representatives. I strongly suspect that the pattern of subterfuge and outright misrepresentation continues. This amendment represents a step toward squaring with the American people. I urge its adoption.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. BADILLO. I yield to the gentleman from California.

Mr. LEGGETT. Would the amendment preclude the CIA from supporting such things as have been reported in national magazines, such as the pay for personnel in the Saigon Police Force, which police force is being used, of course, for campaign purposes to support the Thieu government in Southeast Asia?

Mr. BADILLO. Yes it would, because it would seek to limit the Central Intelligence Agency to the gathering of intelligence and to its functions as approved

by the Congress. Specifically it the support of activities commonly called guerrilla warfare, support of mercenaries, support of regular or irregular personnel of any armed forces of any foreign nation or area within Southeast Asia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the precision with which the gentleman has formulated this amendment. I believe it is an exceedingly important one. I applaud his courage and support him.

Mr. BADILLO. I thank the gentleman very much.

(Mr. BADILLO asked and was given permission to revise and extend his remarks.)

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman's amendment seeks to place a restriction upon the use of any funds authorized in this proposed act for military or paramilitary operations in Southeast Asia organized or supervised by the Central Intelligence Agency.

The Central Intelligence Agency was established by the National Security Act. It functions under the National Security Council under the President of the United States. It initiates no activities of its own without direction from the President and/or the National Security Council.

I do not propose to debate on the floor of the House the activities or functions of the Central Intelligence Agency. I will state categorically that the intelligence activities conducted by our Government are essential to the security of this Nation.

The amendment offered by the gentleman from New York, as I read it, seeks to prohibit the Central Intelligence Agency from organizing, supervising, or conducting any so-called military or paramilitary operation of any kind in Southeast Asia which would be executed by mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, or any other personnel of a foreign nation. I will not go into the ramifications of such a restriction should it be enacted. I will merely tell the House that in my opinion, as well meaning as this amendment may be, it is very dangerous to the security of our country. Secrecy is one of the prices we must pay for survival. Today, there seems to be a penchant for exposing Government secrets which wittingly or unwittingly give aid and comfort to the enemy.

The amendment offered by the gentleman from New York would seriously restrict our intelligence activities in Southeast Asia and would certainly most seriously affect, and perhaps even prevent, the further withdrawal of U.S. troops from Vietnam.

I am not going to expand upon my statement any further.

I urge the House to overwhelmingly defeat this amendment.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. WALDIE asked and was given permission to revise and extend his remarks.)

Huge War

Fund for

Laos Total

(Chicago Tribune Press Service)

WASHINGTON, June 7 — Senators were told in a secret session today that "\$100 million more than anyone suspected" is being spent on a 4,800-men army of Thai troops fighting in Northern Laos.

Sen. Stuart Symington [D., Mo.], who got the Senate to go into the chamber and lock its doors to outsiders for 3½ hours, announced he would seek to put a \$200-million ceiling on such spending next year.

Viet Nam war doves and hawks testily debated whether there had been unauthorized use of Defense Department funds in Laos; whether the defense amendment of Sen. J. William Fulbright [D., Ark.] prohibiting spending to aid the Laotian government was being violated; and whether the war in Laos was a separate war or "had a direct bearing on the security of United States troops in Viet Nam."

Total Cost Estimated

Sen. Clifford Case [R., N. J.], a dove who said that \$100 million more than anyone suspected was being spent on the war in Laos, put total expenditures there at about \$230 million. Symington refused to comment on the totals.

The administration so far has confirmed the spending of only \$52 million in economic aid to Laos.

Charles Bray, State Department spokesman, acknowledged today for the first time that the U.S. is providing financial aid to maintain a Thai volunteer contingent in Laos. He refused to divulge the number of men.

Plans Amendment

But Symington and Case both confirmed the total of 4,800 let slip last week by Fulbright, chairman of the Senate Foreign

Relations Committee. Case thought additional troops might be needed. Symington said he did not believe additional troops were planned.

Symington said he would offer an amendment to the Defense Department defense spending authorization bill to establish the \$200 million ceiling on the Laotian war.

Symington said any additional needs by the Nixon administration for the war in Laos would have to be obtained with a "special request."

Symington said the ceiling would not cover the cost of air operations in Southern Laos against the Ho Chi Minh "trails."

"Notice, I said 'trails,'" he told reporters.

Case said the money being spent in Laos now is "for military assistance and the CIA [Central Intelligence Agency]."

Case was of the opinion that the Fulbright amendment to the current year's defense appropriations bill was being violated. The Fulbright amendment provided that none of the funds in the bill could be spent "to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the governments of Cambodia and Laos."

Use of Money Debated

Bray told a press conference that the money being spent on the Thai and Laotian troops in Laos was "fully consistent with all pertinent legislation." This point was heatedly debated during the Senate's secret session, members reported.

Symington had reported recently that two staff members of the Foreign Relations Committee learned in Laos recently that the CIA was supporting the 4,800 troops. Bray refused to discuss the number of troops receiving U. S. aid, or the CIA involvement.

Bray said there was no direct arrangement with the Thai government for the Thai troops in Laos and that the arrangement for their support was "quite different" from the equipment, pay and transportation provided for the Thais fighting in Viet Nam.

Bray took exception to references to the Thai troops as "mercenaries," and went out of

his way to emphasize that they are volunteers. He said their presence in Laos had been requested by Prime Minister Souvanna Phouma of Laos.

Legal Question Raised

Asked if such U. S. assistance was not in violation of the Fulbright amendment banning the hiring of mercenaries, Bray said:

"I do not expect the amendment to affect what has been going on in Laos—that is, the bombing of the trail, our assistance to Laos, or what our people are doing there—because it does not affect that."

Sen. Jacob Javits [R., N. Y.], a dove, said a legal question has been raised as to what are "free world troops" as defined in the Fulbright amendment. "If you have volunteers [in Laos] are they free world troops?" Javits questioned.

"My interest is in knowing the facts and getting them out to the American people so that they can judge whether this [army in Laos] makes sense," Case said.

Bray would not say how long the Thai troops have been in Laos. He said the present program was under way when the Senate debate of aid to Laos and Cambodia peaked last Aug. 20.

State Department officials estimated that 10,000 to 15,000 North Vietnamese troops moved into Laos after March 6, last year, when President Nixon reported 67,000 of the creamy there.

Today's closed Senate session on Laos was sparked in part by the testimony last April of William H. Sullivan, deputy assistant secretary of state. He told the Foreign Relations Committee that the war in Northern Laos had nothing to do with military operations in Cambodia or South Viet Nam.

STATINTL

28 MAY 1971

Approved For Release 2001/03/04 : CIA-RDP80-01601
STATINTL

House Team Asks Army to Cure Addicts

By FELIX BELAIR Jr.

Special to The New York Times

WASHINGTON, May 27.—A Congressional investigating team urged in a report made public today that the Army be required to identify and rehabilitate the 26,000 to 39,000 American heroin addicts in South Vietnam before returning them to civilian life.

The report to the House Foreign Affairs Committee—parts of which became known earlier this week—said that so many G.I.'s in South Vietnam were becoming addicted to heroin that President Nixon should order all troops home unless authorities in that country, as well as in Laos and Thailand, halted the drug traffic.

Representatives Morgan R. Murphy, Democrat of Illinois, and Robert H. Steele, Republican of Connecticut, suggested that corruption at the highest levels of the Governments and the Military of the three countries left little hope for halting the traffic. But they forecast "major moves" by the White House in the next six weeks to put pressure on the Southeast Asian Governments.

Legislation Introduced

The authors of the report visited nine countries in Europe, the Middle and Far East and Indochina and interviewed government, military and diplomatic officials of those countries and the United States. Their investigations outside the United States extended over 21 days.

Legislation requiring all armed services to retain addicted servicemen in active status until cured was introduced in the House recently by Representative John M. Monagan, Democrat of Connecticut.

Known as the Drug Abuse Control Bill of 1971, the meas-

ure would require all branches of the service to certify that men being discharged from active duty were free from drug addiction. It would establish a drug abuse control corps for each branch with responsibility to enforce its provisions.

One of the Congressional report's 19 recommendations urged the President to "take personal command of the struggle to eliminate the illegal international traffic in narcotics, particularly heroin, and commit the full resources of the country to that battle."

To identify heroin addicts before discharge, the report proposed that all military personnel be required to submit to a urinalysis and that the Defense Department provide "acute care and detoxification as well as basic rehabilitation services" for addicts.

3 Years' Treatment Urged

The report recommended that if military rehabilitation efforts proved unsuccessful, an addict's commanding officer "be required, prior to the addict's discharge, to civilly commit the addict to the administrator of the Veterans Administration for a period of three years for treatment and rehabilitation."

At a news conference on the report, Representative Steele said, "The soldier going to South Vietnam today runs a far greater risk of becoming a heroin addict than a combat casualty."

Representative Murphy observed that "a soldier suffering from a wound or even venereal disease can be retained in the service until restored to health, but one suffering from the sickness of heroin addiction is discharged and returned to society and denied the facilities

of the Veterans Administration because of the nature of his illness."

The Illinois Congress said it was "a national disgrace" that the Veterans Administration was not equipped to rehabilitate addicts.

The report estimated that heroin addicts in the United States armed forces in all of Southeast Asia numbered between 30,000 and 40,000, most of them in South Vietnam.

U.S. Planes Reported Involved

The report said that many high-ranking Laotian, Thai and South Vietnamese officials—both civilian and military—are making large profits from the illegal sale of heroin and other narcotics to G.I.'s. It said that in some cases United States planes and diplomatic pouches had been used to smuggle opium and heroin into Saigon.

"In Laos, Government armed forces are major wholesalers of opium and heroin and have been directly involved in large-scale smuggling activity," the report said. "Reliable sources report that at least two high-ranking Laotian officials, including the chief of the Laotian General Staff, are deeply involved in smuggling activity."

"In Thailand a former diplomat and member of one of the most respected Thai families is reputed to be one of the key figures in the opium and heroin operations."

The report said that South Vietnamese and Laotian Air Force planes provided by the United States are frequently used to bring heroin into South Vietnam. Smaller amounts are smuggled in on Air America, an airline financed by the Central Intelligence Agency, it added.

STATINTL

May 18, Approved For Release 2001/03/04 : CIA-RDP80-01601R000200010001-1
CONGRESSIONAL RECORD - SENATE

reflects the erosion of discipline and morale in our forces in Vietnam.

NOTHING TO DO

The American forces in Vietnam no longer have a genuine combat mission, and an army without a combat mission is an army with out a real purpose. Of the more than 260,000 American troops now in Vietnam, only about a fifth are combat troops, and their principal mission now is to avoid combat. If you ask at the Pentagon what in heaven's name the other 200,000 are doing, you hear generalities about an "orderly withdrawal," or you are told the answer is secret.

In fact, what most of the 200,000 are doing is virtually nothing, other than going mad with boredom. Under the President's withdrawal program, there will still be around 150,000 noncombat troops in Vietnam next November, still going mad with boredom. Soldiers will choose almost any escape from an army that has lost discipline, morale and purpose, and this has a lot to do with the heroin epidemic.

This country has a profound moral obligation to provide logistic support for the million-man South Vietnamese forces, which have been made pathetically dependent on American support for the defense of their country. But the United States has no obligation to continue to field a big non-fighting army in which tens of thousands of young men are becoming heroin addicts. The bulk of that non-fighting army must be withdrawn from Vietnam quickly and urgently, for the same reason that people in a burning house have to be gotten out quickly and urgently.

QUORUM CALL

MR. MANSFIELD. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

MR. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

ONEIDA TRIBE OF INDIANS OF WISCONSIN, ET AL. v. THE UNITED STATES OF AMERICA

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report on the final determination with respect to the case of the Oneida Tribe of Indians of Wisconsin for itself and on behalf of the First Christian and Orchard Parties of Oneida Indians, plaintiffs, versus the United States of America (with an accompanying paper); to the Committee on Appropriations.

INTERSTATE COMPACT ON MENTAL HEALTH

A letter from the Assistant to the Commissioner of the District of Columbia transmitting proposed legislation to authorize the District of Columbia to enter into the Interstate Compact on Mental Health (with accompanying papers); to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation entitled "The District of Columbia Educational Personnel

Act (with accompanying papers); to the Committee on the District of Columbia.

CURTAILMENT OF MAILING CERTAIN ARTICLES

A letter from the Postmaster General transmitting proposed legislation to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

ACCIDENT INVESTIGATION AND REPORTING

A letter from the Acting Administrator of the Department of Transportation submitting, pursuant to law, a proposed highway safety program standard on accident investigation and reporting (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 5765. An act to extend for six months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia (Rept. No. 92-109).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

S.J. Res. 100. An original joint resolution to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute; and for other purposes. (Rept. No. 92-110).

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHURCH:

S. 1887. A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage. Referred to the Committee on Armed Services.

By Mr. BYRD of West Virginia:

S. 1888. A bill to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain the Allegheny Parkway in the States of West Virginia, Virginia, and Kentucky, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

S. 1889. A bill to amend the Interstate Commerce Act so as to exclude from Federal regulation the driver qualifications of operators of certain classes of agricultural vehicles. Referred to the Committee on Commerce.

By Mr. TAFT:

S. 1890. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. BENNETT, Mr. GAMBRELL, Mr. BROCK, Mr. TALMADGE, and Mr. TUNNEY):

S. 1891. A bill to authorize emergency loan guarantees to major business enterprises. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TAFT:

S. 1892. A bill to provide Federally guaranteed loans to corporations vital to the national defense which are in involuntary bankruptcy or are being reorganized under

Chapter 11 of the Bankruptcy Act, and to maintain and expand employment in the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BIBLE:

S. 1893. A bill to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. J. Res. 100. An original joint resolution to provide for an extension of section 10 of the Railway Labor Act with respect to the current railway labor-management dispute; and for other purposes. (Considered and passed today)

By Mr. GRIFFIN (for Mr. GURNEY):

S. J. Res. 101. A joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHURCH:

S. 1887. A bill to amend the National Security Act of 1947 to specify certain activities in which the Central Intelligence Agency may not engage. Referred to the Committee on Armed Services.

PROHIBITION OF CERTAIN ACTIVITIES BY THE CENTRAL INTELLIGENCE AGENCY

Mr. CHURCH. Mr. President, I introduce a bill today to amend the National Security Act of 1947, which would bar the Central Intelligence Agency from organizing, supervising, or conducting any military or paramilitary operation abroad.

This bill is identical to one introduced in the House of Representatives by Mr. BADILLO.

In introducing his measure on May 31, 1971, the Congressman explained that the bill would close a loophole in the National Security Act which now permits the CIA to undertake such other functions and duties related to intelligence affecting the national security as may be directed by the National Security Council.

It is this provision which apparently is the justification for the presence of the CIA in Laos—not to gather intelligence, but to train, finance, and lead tribal guerrillas and even the Royal Laotian Army as a covert adjunct to U.S. combat operations.

It is reliably reported that the CIA has more than 300 men in Laos, supplying and training government guerrillas and leading commando and reconnaissance teams. In addition, the CIA is mainly responsible for planning of the massive air bombardment of Laos, which has made a wasteland of this tiny nation and turned its people into refugees in their own land.

By its use of the CIA in this manner, our Government has developed a new and cynical formula for running a war, out of sight of the Congress and the American people. I fear that unless legislation such as the bill I offer today is enacted, we will find the CIA running military operations in Indochina long after other American combat forces have been brought home.

If enacted, this bill would restore the CIA to the role Congress originally in-

Disarm CIA: Badillo

Washington, May 13 (AP)—Rep. Herman Badillo (D-N.Y.) asked Congress today to prohibit the Central Intelligence Agency from organizing or supervising secret military operations of any kind. Badillo said a loophole in the 1947 law that set up the CIA as an intelligence-gathering organization "is apparently



Badillo

being used to justify the fact that . . . tribal guerrillas and the Royal Laotian Army have been . . . led by the CIA as a covert adjunct to the Indochina war." He said more than 300 CIA men are involved in the Laotian secret army.

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